

AMENDED IN SENATE SEPTEMBER 3, 1999

AMENDED IN SENATE AUGUST 24, 1999

AMENDED IN ASSEMBLY MAY 28, 1999

AMENDED IN ASSEMBLY APRIL 28, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1001**

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**Introduced by Assembly Members Villaraigosa, Hertzberg,  
Keeley, Kuehl, Migden, and Shelley**

(Principal coauthor: Senator Vasconcellos)

**(Coauthors: Assembly Members Aroner, Corbett, Firebaugh,  
Honda, Jackson, Knox, Mazzoni, Romero, Steinberg,  
Strom-Martin, and Thomson)**

(Coauthors: Senators Hayden, Solis, and Speier)

February 25, 1999

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An act to amend Sections 12920, 12921, 12926, 12930, 12931, 12935, 12940, 12944, ~~12955~~, 12955.8, and 12993 of, *and to amend, repeal, and add Section 12955 to*, the Government Code, and to repeal Section 1102.1 of the Labor Code, relating to fair employment and housing.

LEGISLATIVE COUNSEL'S DIGEST

AB 1001, as amended, Villaraigosa. Fair employment and housing.

(1) Under the California Fair Employment and Housing Act, it is unlawful to engage in specified discriminatory employment practices, including hiring, promotion, and

termination on the basis of race, religious creed, color, national origin, ancestry, physical handicap, medical condition, marital status, sex, or age. The act also makes it unlawful to engage in specified discriminatory practices in housing accommodations on the basis of race, color, religion, sex, marital status, national origin, ancestry, familial status, or disability.

This bill would amend the act to include sexual orientation, as defined, within the unlawful bases for discrimination in employment and housing accommodations.

(2) Under existing law codified in the Labor Code, discrimination or different treatment in any aspect of employment or opportunity for employment, as specified, and with certain exceptions, based on actual or perceived sexual orientation, is prohibited.

This bill would repeal the provision of the Labor Code that expresses that prohibition.

(3) *This bill would incorporate additional changes in Sections 12921, 12926, 12930, 12940, and 12955 of the Government Code to be operative if this bill and one or more of the other bills are enacted and become effective on or before January 1, 2000, and this bill is enacted last.*

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. It is the intent of the Legislature that the  
 2 purpose of this act is to incorporate in the California Fair  
 3 Employment and Housing Act (Part 2.8 (commencing  
 4 with Section 12900) of Division 3 of Title 2 of the  
 5 Government Code) the prohibition against  
 6 discrimination or different treatment in any aspect of  
 7 employment or opportunity for employment based on  
 8 sexual orientation, contained in Section 1102.1 of the  
 9 Labor Code, as that section read on December 31, 1999.  
 10 As was the intent of Section 1102.1 of the Labor Code, as  
 11 that section read on December 31, 1999, this act is  
 12 intended to codify the court decisions in Gay Law  
 13 Students v. Pacific Telephone and Telegraph (1979) 24



1 Cal.3d 458 and *Soroka v. Dayton Hudson Corp.* (1991) 235  
2 Cal.App.3d 654, prohibiting discrimination based on  
3 sexual orientation. Any conduct that would have been a  
4 violation of Section 1102.1 of the Labor Code, as it read on  
5 December 1, 1999, shall be deemed a violation of this act.  
6 Nothing in this section is intended to alter the definition  
7 of employer with regard to any bona fide scouting  
8 organization covered under Section 1102.1 of the Labor  
9 Code as it read on December 1, 1999.

10 SEC. 1.5. Section 12920 of the Government Code is  
11 amended to read:

12 12920. It is hereby declared as the public policy of this  
13 state that it is necessary to protect and safeguard the right  
14 and opportunity of all persons to seek, obtain, and hold  
15 employment without discrimination or abridgment on  
16 account of race, religious creed, color, national origin,  
17 ancestry, physical disability, mental disability, medical  
18 condition, marital status, sex, age, or sexual orientation.

19 It is recognized that the practice of denying  
20 employment opportunity and discriminating in the terms  
21 of employment for these reasons foments domestic strife  
22 and unrest, deprives the state of the fullest utilization of  
23 its capacities for development and advancement, and  
24 substantially and adversely affects the interest of  
25 employees, employers, and the public in general.

26 Further, the practice of discrimination because of race,  
27 color, religion, sex, marital status, national origin,  
28 ancestry, familial status, disability, or sexual orientation in  
29 housing accommodations is declared to be against public  
30 policy.

31 It is the purpose of this part to provide effective  
32 remedies that will eliminate these discriminatory  
33 practices.

34 This part shall be deemed an exercise of the police  
35 power of the state for the protection of the welfare,  
36 health, and peace of the people of this state.

37 SEC. 2. Section 12921 of the Government Code is  
38 amended to read:

39 12921. The opportunity to seek, obtain and hold  
40 employment without discrimination because of race,



1 religious creed, color, national origin, ancestry, physical  
2 disability, mental disability, medical condition, marital  
3 status, sex, age, or sexual orientation is hereby recognized  
4 as and declared to be a civil right.

5 *SEC. 2.5. Section 12921 of the Government Code is*  
6 *amended to read:*

7 12921. (a) The opportunity to seek, obtain and hold  
8 employment without discrimination because of race,  
9 religious creed, color, national origin, ancestry, physical  
10 disability, mental disability, medical condition, marital  
11 status, sex, ~~or~~ age, *or sexual orientation* is hereby  
12 recognized as and declared to be a civil right.

13 (b) *The opportunity to seek, obtain, and hold housing*  
14 *without discrimination because of race, color, religion,*  
15 *sex, sexual orientation, marital status, national origin,*  
16 *ancestry, familial status, disability, or any other basis*  
17 *prohibited by Section 51 of the Civil Code is hereby*  
18 *recognized as and declared to be a civil right.*

19 *SEC. 3. Section 12926 of the Government Code is*  
20 *amended to read:*

21 12926. As used in this part in connection with  
22 unlawful practices, unless a different meaning clearly  
23 appears from the context:

24 (a) “Affirmative relief” or “prospective relief”  
25 includes the authority to order reinstatement of an  
26 employee, awards of backpay, reimbursement of  
27 out-of-pocket expenses, hiring, transfers, reassignments,  
28 grants of tenure, promotions, cease and desist orders,  
29 posting of notices, training of personnel, testing,  
30 expunging of records, reporting of records, and any other  
31 similar relief that is intended to correct unlawful  
32 practices under this part.

33 (b) “Age” refers to the chronological age of any  
34 individual who has reached his or her 40th birthday.

35 (c) “Employee” does not include any individual  
36 employed by his or her parents, spouse, or child, or any  
37 individual employed under a special license in a nonprofit  
38 sheltered workshop or rehabilitation facility.

39 (d) “Employer” includes any person regularly  
40 employing five or more persons, or any person acting as



1 an agent of an employer, directly or indirectly, the state  
2 or any political or civil subdivision of the state, and cities,  
3 except as follows:

4 (1) “Employer” does not include a religious  
5 association or corporation not organized for private  
6 profit.

7 (2) “Employer,” for purposes of provisions defining  
8 unlawful employment practices related to mental  
9 disability, means any person regularly employing 15 or  
10 more persons, or any person directly or indirectly acting  
11 as an agent of such an employer, and also includes the  
12 state and municipalities and political subdivisions of the  
13 state.

14 (e) “Employment agency” includes any person  
15 undertaking for compensation to procure employees or  
16 opportunities to work.

17 (f) “Essential functions” means the fundamental job  
18 duties of the employment position the individual with a  
19 disability holds or desires. “Essential functions” does not  
20 include the marginal functions of the position.

21 (1) A job function may be considered essential for any  
22 of several reasons, including, but not limited to, any one  
23 or more of the following:

24 (A) The function may be essential because the reason  
25 the position exists is to perform that function.

26 (B) The function may be essential because of the  
27 limited number of employees available among whom the  
28 performance of that job function can be distributed.

29 (C) The function may be highly specialized, so that the  
30 incumbent in the position is hired for his or her expertise  
31 or ability to perform the particular function.

32 (2) Evidence of whether a particular function is  
33 essential includes, but is not limited to, the following:

34 (A) The employer’s judgment as to which functions  
35 are essential.

36 (B) Written job descriptions prepared before  
37 advertising or interviewing applicants for the job.

38 (C) The amount of time spent on the job performing  
39 the function.



1 (D) The consequences of not requiring the incumbent  
2 to perform the function.

3 (E) The terms of a collective bargaining agreement.

4 (F) The work experiences of past incumbents in the  
5 job.

6 (G) The current work experience of incumbents in  
7 similar jobs.

8 (g) “Labor organization” includes any organization  
9 that exists and is constituted for the purpose, in whole or  
10 in part, of collective bargaining or of dealing with  
11 employers concerning grievances, terms or conditions of  
12 employment, or of other mutual aid or protection.

13 (h) “Medical condition” includes (1) genetic  
14 characteristics, or (2) any health impairment related to  
15 or associated with a diagnosis of cancer, for which a  
16 person has been rehabilitated or cured, based on  
17 competent medical evidence. For purposes of this  
18 section, “genetic characteristics” means any scientifically  
19 or medically identifiable gene or chromosome, or  
20 combination or alteration thereof, that is known to be a  
21 cause of a disease or disorder in a person or his or her  
22 offspring, or is determined to be associated with a  
23 statistically increased risk of development of a disease or  
24 disorder, or inherited characteristics that may derive  
25 from the individual or family member, that is presently  
26 not associated with any symptoms of any disease or  
27 disorder.

28 (i) “Mental disability” includes any mental or  
29 psychological disorder, such as mental retardation,  
30 organic brain syndrome, emotional or mental illness, and  
31 specific learning disabilities. However, “mental  
32 disability” does not include conditions excluded from the  
33 federal definition of “disability” pursuant to Section 511  
34 of the Americans with Disabilities Act of 1990 (42 U.S.C.;  
35 Sec. 12211). Additionally, for purposes of this part, the  
36 unlawful use of controlled substances or other drugs shall  
37 not be deemed, in and of itself, to constitute a mental  
38 disability.

39 (j) “On the bases enumerated in this part” means or  
40 refers to discrimination on the basis of one or more of the



1 following: race, religious creed, color, national origin,  
2 ancestry, physical disability, mental disability, medical  
3 condition, marital status, sex, age, or sexual orientation.

4 (k) “Physical disability” includes, but is not limited to,  
5 all of the following:

6 (1) Having any physiological disease, disorder,  
7 condition, cosmetic disfigurement, or anatomical loss that  
8 does both of the following:

9 (A) Affects one or more of the following body systems:  
10 neurological, immunological, musculoskeletal, special  
11 sense organs, respiratory, including speech organs,  
12 cardiovascular, reproductive, digestive, genitourinary,  
13 hemic and lymphatic, skin, and endocrine.

14 (B) Limits an individual’s ability to participate in  
15 major life activities.

16 (2) Any other health impairment not described in  
17 paragraph (1) that requires special education or related  
18 services.

19 (3) Being regarded as having or having had a disease,  
20 disorder, condition, cosmetic disfigurement, anatomical  
21 loss, or health impairment described in paragraph (1) or  
22 (2).

23 (4) Being regarded as having, or having had, a disease,  
24 disorder, condition, cosmetic disfigurement, anatomical  
25 loss, or health impairment that has no present disabling  
26 effect but may become a physical disability as described  
27 in paragraph (1) or (2).

28 It is the intent of the Legislature that the definition of  
29 “physical disability” in this subdivision shall have the  
30 same meaning as the term “physical handicap” formerly  
31 defined by this subdivision and construed in *American*  
32 *National Ins. Co. v. Fair Employment & Housing Com.*,  
33 (1982) 32 Cal.3d 603. However, “physical disability” does  
34 not include conditions excluded from the federal  
35 definition of “disability” pursuant to Section 511 of the  
36 Americans with Disabilities Act of 1990 (42 U.S.C. Sec.  
37 12211). Additionally, for purposes of this part, the  
38 unlawful use of controlled substances or other drugs shall  
39 not be deemed, in and of itself, to constitute a physical  
40 disability.



1 (l) Notwithstanding subdivisions (i) and (k), if the  
2 definition of “disability” used in the Americans with  
3 Disabilities Act of 1990 (Public Law 101-336) would result  
4 in broader protection of the civil rights of individuals with  
5 a mental disability or physical disability, as defined in  
6 subdivision (i) or (k), or would include any medical  
7 condition not included within those definitions, then that  
8 broader protection or coverage shall be deemed  
9 incorporated by reference into, and shall prevail over  
10 conflicting provisions of, the definitions in subdivisions  
11 (i) and (k).

12 (m) “Reasonable accommodation” may include either  
13 of the following:

14 (1) Making existing facilities used by employees  
15 readily accessible to, and usable by, individuals with  
16 disabilities.

17 (2) Job restructuring, part-time or modified work  
18 schedules, reassignment to a vacant position, acquisition  
19 or modification of equipment or devices, adjustment or  
20 modifications of examinations, training materials or  
21 policies, the provision of qualified readers or interpreters,  
22 and other similar accommodations for individuals with  
23 disabilities.

24 (n) “Religious creed,” “religion,” “religious  
25 observance,” “religious belief,” and “creed” include all  
26 aspects of religious belief, observance, and practice.

27 (o) “Sex” includes, but is not limited to, pregnancy,  
28 childbirth, or medical conditions related to pregnancy or  
29 childbirth.

30 (p) “Sexual orientation” means heterosexuality,  
31 homosexuality, and bisexuality.

32 (q) “Undue hardship” means an action requiring  
33 significant difficulty or expense, when considered in light  
34 of the following factors: (1) the nature and cost of the  
35 accommodation needed, (2) the overall financial  
36 resources of the facilities involved in the provision of the  
37 reasonable accommodations, the number of persons  
38 employed at the facility, and the effect on expenses and  
39 resources or the impact otherwise of these  
40 accommodations upon the operation of the facility, (3)



1 the overall financial resources of the covered entity, the  
2 overall size of the business of a covered entity with  
3 respect to the number of employees, and the number,  
4 type, and location of its facilities, (4) the type of  
5 operations, including the composition, structure, and  
6 functions of the work force of the entity, and (5) the  
7 geographic separateness, administrative, or fiscal  
8 relationship of the facility or facilities.

9 *SEC. 3.5. Section 12926 of the Government Code is*  
10 *amended to read:*

11 12926. As used in this part in connection with  
12 unlawful practices, unless a different meaning clearly  
13 appears from the context:

14 (a) “Affirmative relief” or “prospective relief”  
15 includes the authority to order reinstatement of an  
16 employee, awards of backpay, reimbursement of  
17 out-of-pocket expenses, hiring, transfers, reassignments,  
18 grants of tenure, promotions, cease and desist orders,  
19 posting of notices, training of personnel, testing,  
20 expunging of records, reporting of records, and any other  
21 similar relief that is intended to correct unlawful  
22 practices under this part.

23 (b) “Age” refers to the chronological age of any  
24 individual who has reached his or her 40th birthday.

25 (c) “Employee” does not include any individual  
26 employed by his or her parents, spouse, or child, or any  
27 individual employed under a special license in a nonprofit  
28 sheltered workshop or rehabilitation facility.

29 (d) “Employer” includes any person regularly  
30 employing five or more persons, or any person acting as  
31 an agent of an employer, directly or indirectly, the state  
32 or any political or civil subdivision ~~thereof~~ *of the state*,  
33 and cities, except as follows:

34 ~~(1) “Employer”~~

35 “*Employer*” does not include a religious association or  
36 corporation not organized for private profit.

37 ~~(2) “Employer,” for purposes of provisions defining~~  
38 ~~unlawful employment practices related to mental~~  
39 ~~disability, means any person regularly employing 15 or~~  
40 ~~more persons, or any person directly or indirectly acting~~



1 ~~as an agent of such an employer, and also includes the~~  
2 ~~state and municipalities and political subdivisions of the~~  
3 ~~state.~~

4 (e) “Employment agency” includes any person  
5 undertaking for compensation to procure employees or  
6 opportunities to work.

7 (f) “Essential functions” means the fundamental job  
8 duties of the employment position the individual with a  
9 disability holds or desires. “Essential functions” does not  
10 include the marginal functions of the position.

11 (1) A job function may be considered essential for any  
12 of several reasons, including, but not limited to, any one  
13 or more of the following:

14 (A) The function may be essential because the reason  
15 the position exists is to perform that function.

16 (B) The function may be essential because of the  
17 limited number of employees available among whom the  
18 performance of that job function can be distributed.

19 (C) The function may be highly specialized, so that the  
20 incumbent in the position is hired for his or her expertise  
21 or ability to perform the particular function.

22 (2) Evidence of whether a particular function is  
23 essential includes, but is not limited to, the following:

24 (A) The employer’s judgment as to which functions  
25 are essential.

26 (B) Written job descriptions prepared before  
27 advertising or interviewing applicants for the job.

28 (C) The amount of time spent on the job performing  
29 the function.

30 (D) The consequences of not requiring the incumbent  
31 to perform the function.

32 (E) The terms of a collective bargaining agreement.

33 (F) The work experiences of past incumbents in the  
34 job.

35 (G) The current work experience of incumbents in  
36 similar jobs.

37 (g) “Labor organization” includes any organization  
38 that exists and is constituted for the purpose, in whole or  
39 in part, of collective bargaining or of dealing with



1 employers concerning grievances, terms or conditions of  
2 employment, or of other mutual aid or protection.

3 (h) “Medical condition” includes (1) genetic  
4 characteristics, or (2) any health impairment related to  
5 or associated with a diagnosis of cancer, for which a  
6 person has been rehabilitated or cured, based on  
7 competent medical evidence. For purposes of this  
8 section, “genetic characteristics” means any scientifically  
9 or medically identifiable gene or chromosome, or  
10 combination or alteration thereof, that is known to be a  
11 cause of a disease or disorder in a person or his or her  
12 offspring, or is determined to be associated with a  
13 statistically increased risk of development of a disease or  
14 disorder, or inherited characteristics that may derive  
15 from the individual or family member, that is presently  
16 not associated with any symptoms of any disease or  
17 disorder.

18 (i) “Mental disability” includes any mental or  
19 psychological disorder, such as mental retardation,  
20 organic brain syndrome, emotional or mental illness, and  
21 specific learning disabilities. However, “mental  
22 disability” does not include conditions excluded from the  
23 federal definition of “disability” pursuant to Section 511  
24 of the Americans with Disabilities Act of 1990 (42 U.S.C.;  
25 Sec. 12211). Additionally, for purposes of this part, the  
26 unlawful use of controlled substances or other drugs shall  
27 not be deemed, in and of itself, to constitute a mental  
28 disability.

29 (j) “On the bases enumerated in this part” means or  
30 refers to discrimination on the basis of one or more of the  
31 following: race, religious creed, color, national origin,  
32 ancestry, physical disability, mental disability, medical  
33 condition, marital status, sex, ~~or~~ age, *or sexual orientation*.

34 (k) “Physical disability” includes, but is not limited to,  
35 all of the following:

36 (1) Having any physiological disease, disorder,  
37 condition, cosmetic disfigurement, or anatomical loss that  
38 does both of the following:

39 (A) Affects one or more of the following body systems:  
40 neurological, immunological, musculoskeletal, special



1 sense organs, respiratory, including speech organs,  
2 cardiovascular, reproductive, digestive, genitourinary,  
3 hemic and lymphatic, skin, and endocrine.

4 (B) Limits an individual's ability to participate in  
5 major life activities.

6 (2) Any other health impairment not described in  
7 paragraph (1) that requires special education or related  
8 services.

9 (3) Being regarded as having or having had a disease,  
10 disorder, condition, cosmetic disfigurement, anatomical  
11 loss, or health impairment described in paragraph (1) or  
12 (2).

13 (4) Being regarded as having, or having had, a disease,  
14 disorder, condition, cosmetic disfigurement, anatomical  
15 loss, or health impairment that has no present disabling  
16 effect but may become a physical disability as described  
17 in paragraph (1) or (2).

18 It is the intent of the Legislature that the definition of  
19 "physical disability" in this subdivision shall have the  
20 same meaning as the term "physical handicap" formerly  
21 defined by this subdivision and construed in *American*  
22 *National Ins. Co. v. Fair Employment & Housing Com.*,  
23 (1982) 32 Cal. 3d 603. However, "physical disability" does  
24 not include conditions excluded from the federal  
25 definition of "disability" pursuant to Section 511 of the  
26 Americans with Disabilities Act of 1990 (42 U.S.C., Sec.  
27 12211). Additionally, for purposes of this part, the  
28 unlawful use of controlled substances or other drugs shall  
29 not be deemed, in and of itself, to constitute a physical  
30 disability.

31 (l) Notwithstanding subdivisions (i) and (k), if the  
32 definition of "disability" used in the Americans with  
33 Disabilities Act of 1990 (Public Law 101-336) would result  
34 in broader protection of the civil rights of individuals with  
35 a mental disability or physical disability, as defined in  
36 subdivision (i) or (k), or would include any medical  
37 condition not included within those definitions, then that  
38 broader protection or coverage shall be deemed  
39 incorporated by reference into, and shall prevail over



1 conflicting provisions of, the definitions in subdivisions  
2 (i) and (k).

3 (m) *“Race, religious creed, color, national origin,*  
4 *national origin, ancestry, physical disability, mental*  
5 *disability, medical condition, marital status, sex, age, or*  
6 *sexual orientation” includes a perception that the person*  
7 *has any of those characteristics or that the person is*  
8 *associated with a person who has, or is perceived to have,*  
9 *any of those characteristics.*

10 (n) *“Reasonable accommodation” may include either*  
11 *of the following:*

12 (1) *Making existing facilities used by employees*  
13 *readily accessible to, and usable by, individuals with*  
14 *disabilities.*

15 (2) *Job restructuring, part-time or modified work*  
16 *schedules, reassignment to a vacant position, acquisition*  
17 *or modification of equipment or devices, adjustment or*  
18 *modifications of examinations, training materials or*  
19 *policies, the provision of qualified readers or interpreters,*  
20 *and other similar accommodations for individuals with*  
21 *disabilities.*

22 ~~(n)~~

23 (o) *“Religious creed,” “religion,” “religious*  
24 *observance,” “religious belief,” and “creed” include all*  
25 *aspects of religious belief, observance, and practice.*

26 ~~(o)~~

27 (p) *“Sex” includes, but is not limited to, pregnancy,*  
28 *childbirth, or medical conditions related to pregnancy or*  
29 *childbirth.*

30 ~~(p)~~

31 (q) *“Sexual orientation” means heterosexuality,*  
32 *homosexuality, and bisexuality.*

33 (r) *“Supervisor” means any individual having the*  
34 *authority, in the interest of the employer, to hire,*  
35 *transfer, suspend, lay off, recall, promote, discharge,*  
36 *assign, reward, or discipline other employees, or the*  
37 *responsibility to direct them, or to adjust their grievances,*  
38 *or effectively to recommend that action, if, in connection*  
39 *with the foregoing, the exercise of that authority is not of*



1 *a merely routine or clerical nature, but requires the use*  
2 *of independent judgment.*

3 (s) “Undue hardship” means an action requiring  
4 significant difficulty or expense, when considered in light  
5 of the following factors: (1) the nature and cost of the  
6 accommodation needed, (2) the overall financial  
7 resources of the facilities involved in the provision of the  
8 reasonable accommodations, the number of persons  
9 employed at the facility, and the effect on expenses and  
10 resources or the impact otherwise of these  
11 accommodations upon the operation of the facility, (3)  
12 the overall financial resources of the covered entity, the  
13 overall size of the business of a covered entity with  
14 respect to the number of employees, and the number,  
15 type, and location of its facilities, (4) the type of  
16 operations, including the composition, structure, and  
17 functions of the work force of the entity, and (5) the  
18 geographic separateness, administrative, or fiscal  
19 relationship of the facility or facilities.

20 *SEC. 3.6. Section 12926 of the Government Code is*  
21 *amended to read:*

22 12926. As used in this part in connection with  
23 unlawful practices, unless a different meaning clearly  
24 appears from the context:

25 (a) “Affirmative relief” or “prospective relief”  
26 includes the authority to order reinstatement of an  
27 employee, awards of backpay, reimbursement of  
28 out-of-pocket expenses, hiring, transfers, reassignments,  
29 grants of tenure, promotions, cease and desist orders,  
30 posting of notices, training of personnel, testing,  
31 expunging of records, reporting of records, and any other  
32 similar relief that is intended to correct unlawful  
33 practices under this part.

34 (b) “Age” refers to the chronological age of any  
35 individual who has reached his or her 40th birthday.

36 (c) “Employee” does not include any individual  
37 employed by his or her parents, spouse, or child, or any  
38 individual employed under a special license in a nonprofit  
39 sheltered workshop or rehabilitation facility.



1 (d) “Employer” includes any person regularly  
2 employing five or more persons, or any person acting as  
3 an agent of an employer, directly or indirectly, the state  
4 or any political or civil subdivision ~~thereof~~ *of the state*,  
5 and cities, except as follows:

6 (1) “Employer” does not include a religious  
7 association or corporation not organized for private  
8 profit.

9 (2) “Employer,” for purposes of provisions defining  
10 unlawful employment practices related to mental  
11 disability, means any person regularly employing 15 or  
12 more persons, or any person directly or indirectly acting  
13 as an agent of such an employer, and also includes the  
14 state and municipalities and political subdivisions of the  
15 state.

16 (e) “Employment agency” includes any person  
17 undertaking for compensation to procure employees or  
18 opportunities to work.

19 (f) “Essential functions” means the fundamental job  
20 duties of the employment position the individual with a  
21 disability holds or desires. “Essential functions” does not  
22 include the marginal functions of the position.

23 (1) A job function may be considered essential for any  
24 of several reasons, including, but not limited to, any one  
25 or more of the following:

26 (A) The function may be essential because the reason  
27 the position exists is to perform that function.

28 (B) The function may be essential because of the  
29 limited number of employees available among whom the  
30 performance of that job function can be distributed.

31 (C) The function may be highly specialized, so that the  
32 incumbent in the position is hired for his or her expertise  
33 or ability to perform the particular function.

34 (2) Evidence of whether a particular function is  
35 essential includes, but is not limited to, the following:

36 (A) The employer’s judgment as to which functions  
37 are essential.

38 (B) Written job descriptions prepared before  
39 advertising or interviewing applicants for the job.



1 (C) The amount of time spent on the job performing  
2 the function.

3 (D) The consequences of not requiring the incumbent  
4 to perform the function.

5 (E) The terms of a collective bargaining agreement.

6 (F) The work experiences of past incumbents in the  
7 job.

8 (G) The current work experience of incumbents in  
9 similar jobs.

10 (g) “Labor organization” includes any organization  
11 that exists and is constituted for the purpose, in whole or  
12 in part, of collective bargaining or of dealing with  
13 employers concerning grievances, terms or conditions of  
14 employment, or of other mutual aid or protection.

15 (h) “Medical condition” includes ~~(1) genetic~~  
16 ~~characteristics, or (2) any~~ *either of the following:*

17 (1) *Any health impairment related to or associated*  
18 *with a diagnosis of cancer, for which a person has been*  
19 *rehabilitated or cured, based on competent medical*  
20 *evidence.*

21 (2) *Genetic characteristics.* For purposes of this  
22 section, “genetic characteristics” means ~~any~~ *either of the*  
23 *following:*

24 (A) *Any scientifically or medically identifiable gene or*  
25 *chromosome, or combination or alteration thereof, that*  
26 *is known to be a cause of a disease or disorder in a person*  
27 *or his or her offspring, or that is determined to be*  
28 *associated with a statistically increased risk of*  
29 *development of a disease or disorder, ~~or inherited~~ and*  
30 *that is presently not associated with any symptoms of any*  
31 *disease or disorder.*

32 (B) *Inherited characteristics that may derive from the*  
33 *individual or family member, that ~~is~~ are known to be a*  
34 *cause of a disease or disorder in a person or his or her*  
35 *offspring, or that are determined to be associated with a*  
36 *statistically increased risk of development of a disease or*  
37 *disorder, and that are presently not associated with any*  
38 *symptoms of any disease or disorder.*

39 (i) “Mental disability” includes any mental or  
40 psychological disorder, such as mental retardation,



1 organic brain syndrome, emotional or mental illness, and  
2 specific learning disabilities. However, “mental  
3 disability” does not include conditions excluded from the  
4 federal definition of “disability” pursuant to Section 511  
5 of the Americans with Disabilities Act of 1990 (42 U.S.C.;  
6 Sec. 12211). Additionally, for purposes of this part, the  
7 unlawful use of controlled substances or other drugs shall  
8 not be deemed, in and of itself, to constitute a mental  
9 disability.

10 (j) “On the bases enumerated in this part” means or  
11 refers to discrimination on the basis of one or more of the  
12 following: race, religious creed, color, national origin,  
13 ancestry, physical disability, mental disability, medical  
14 condition, marital status, sex, ~~or~~ age, or *sexual orientation*.

15 (k) “Physical disability” includes, but is not limited to,  
16 all of the following:

17 (1) Having any physiological disease, disorder,  
18 condition, cosmetic disfigurement, or anatomical loss that  
19 does both of the following:

20 (A) Affects one or more of the following body systems:  
21 neurological, immunological, musculoskeletal, special  
22 sense organs, respiratory, including speech organs,  
23 cardiovascular, reproductive, digestive, genitourinary,  
24 hemic and lymphatic, skin, and endocrine.

25 (B) Limits an individual’s ability to participate in  
26 major life activities.

27 (2) Any other health impairment not described in  
28 paragraph (1) that requires special education or related  
29 services.

30 (3) Being regarded as having or having had a disease,  
31 disorder, condition, cosmetic disfigurement, anatomical  
32 loss, or health impairment described in paragraph (1) or  
33 (2).

34 (4) Being regarded as having, or having had, a disease,  
35 disorder, condition, cosmetic disfigurement, anatomical  
36 loss, or health impairment that has no present disabling  
37 effect but may become a physical disability as described  
38 in paragraph (1) or (2).

39 It is the intent of the Legislature that the definition of  
40 “physical disability” in this subdivision shall have the



1 same meaning as the term “physical handicap” formerly  
2 defined by this subdivision and construed in American  
3 National Ins. Co. v. Fair Employment & Housing Com.;  
4 (1982) 32 Cal. 3d 603. However, “physical disability” does  
5 not include conditions excluded from the federal  
6 definition of “disability” pursuant to Section 511 of the  
7 Americans with Disabilities Act of 1990 (42 U.S.C.; Sec.  
8 12211). Additionally, for purposes of this part, the  
9 unlawful use of controlled substances or other drugs shall  
10 not be deemed, in and of itself, to constitute a physical  
11 disability.

12 (l) Notwithstanding subdivisions (i) and (k), if the  
13 definition of “disability” used in the Americans with  
14 Disabilities Act of 1990 (Public Law 101-336) would result  
15 in broader protection of the civil rights of individuals with  
16 a mental disability or physical disability, as defined in  
17 subdivision (i) or (k), or would include any medical  
18 condition not included within those definitions, then that  
19 broader protection or coverage shall be deemed  
20 incorporated by reference into, and shall prevail over  
21 conflicting provisions of, the definitions in subdivisions  
22 (i) and (k).

23 (m) “Reasonable accommodation” may include either  
24 of the following:

25 (1) Making existing facilities used by employees  
26 readily accessible to, and usable by, individuals with  
27 disabilities.

28 (2) Job restructuring, part-time or modified work  
29 schedules, reassignment to a vacant position, acquisition  
30 or modification of equipment or devices, adjustment or  
31 modifications of examinations, training materials or  
32 policies, the provision of qualified readers or interpreters,  
33 and other similar accommodations for individuals with  
34 disabilities.

35 (n) “Religious creed,” “religion,” “religious  
36 observance,” “religious belief,” and “creed” include all  
37 aspects of religious belief, observance, and practice.

38 (o) “Sex” includes, but is not limited to, pregnancy,  
39 childbirth, or medical conditions related to pregnancy or  
40 childbirth.



1 (p) “Sexual orientation” means heterosexuality,  
2 homosexuality, and bisexuality.

3 (q) “Undue hardship” means an action requiring  
4 significant difficulty or expense, when considered in light  
5 of the following factors: (1) the nature and cost of the  
6 accommodation needed, (2) the overall financial  
7 resources of the facilities involved in the provision of the  
8 reasonable accommodations, the number of persons  
9 employed at the facility, and the effect on expenses and  
10 resources or the impact otherwise of these  
11 accommodations upon the operation of the facility, (3)  
12 the overall financial resources of the covered entity, the  
13 overall size of the business of a covered entity with  
14 respect to the number of employees, and the number,  
15 type, and location of its facilities, (4) the type of  
16 operations, including the composition, structure, and  
17 functions of the work force of the entity, and (5) the  
18 geographic separateness, administrative, or fiscal  
19 relationship of the facility or facilities.

20 *SEC. 3.7. Section 12926 of the Government Code is*  
21 *amended to read:*

22 12926. As used in this part in connection with  
23 unlawful practices, unless a different meaning clearly  
24 appears from the context:

25 (a) “Affirmative relief” or “prospective relief”  
26 includes the authority to order reinstatement of an  
27 employee, awards of backpay, reimbursement of  
28 out-of-pocket expenses, hiring, transfers, reassignments,  
29 grants of tenure, promotions, cease and desist orders,  
30 posting of notices, training of personnel, testing,  
31 expunging of records, reporting of records, and any other  
32 similar relief that is intended to correct unlawful  
33 practices under this part.

34 (b) “Age” refers to the chronological age of any  
35 individual who has reached his or her 40th birthday.

36 (c) “Employee” does not include any individual  
37 employed by his or her parents, spouse, or child, or any  
38 individual employed under a special license in a nonprofit  
39 sheltered workshop or rehabilitation facility.



1 (d) "Employer" includes any person regularly  
2 employing five or more persons, or any person acting as  
3 an agent of an employer, directly or indirectly, the state  
4 or any political or civil subdivision thereof of the state,  
5 and cities, except as follows:

6 ~~(1) "Employer"~~

7 "Employer" does not include a religious association or  
8 corporation not organized for private profit.

9 ~~(2) "Employer," for purposes of provisions defining  
10 unlawful employment practices related to mental  
11 disability, means any person regularly employing 15 or  
12 more persons, or any person directly or indirectly acting  
13 as an agent of such an employer, and also includes the  
14 state and municipalities and political subdivisions of the  
15 state.~~

16 (e) "Employment agency" includes any person  
17 undertaking for compensation to procure employees or  
18 opportunities to work.

19 (f) "Essential functions" means the fundamental job  
20 duties of the employment position the individual with a  
21 disability holds or desires. "Essential functions" does not  
22 include the marginal functions of the position.

23 (1) A job function may be considered essential for any  
24 of several reasons, including, but not limited to, any one  
25 or more of the following:

26 (A) The function may be essential because the reason  
27 the position exists is to perform that function.

28 (B) The function may be essential because of the  
29 limited number of employees available among whom the  
30 performance of that job function can be distributed.

31 (C) The function may be highly specialized, so that the  
32 incumbent in the position is hired for his or her expertise  
33 or ability to perform the particular function.

34 (2) Evidence of whether a particular function is  
35 essential includes, but is not limited to, the following:

36 (A) The employer's judgment as to which functions  
37 are essential.

38 (B) Written job descriptions prepared before  
39 advertising or interviewing applicants for the job.



1 (C) The amount of time spent on the job performing  
2 the function.

3 (D) The consequences of not requiring the incumbent  
4 to perform the function.

5 (E) The terms of a collective bargaining agreement.

6 (F) The work experiences of past incumbents in the  
7 job.

8 (G) The current work experience of incumbents in  
9 similar jobs.

10 (g) “Labor organization” includes any organization  
11 that exists and is constituted for the purpose, in whole or  
12 in part, of collective bargaining or of dealing with  
13 employers concerning grievances, terms or conditions of  
14 employment, or of other mutual aid or protection.

15 (h) “Medical condition” includes ~~(1) genetic~~  
16 ~~characteristics, or (2) any~~ *either of the following:*

17 (1) *Any health impairment related to or associated*  
18 *with a diagnosis of cancer, for which a person has been*  
19 *rehabilitated or cured, based on competent medical*  
20 *evidence. For*

21 (2) *Genetic characteristics. For purposes of this*  
22 *section, “genetic characteristics” means any either of the*  
23 *following:*

24 (A) *Any scientifically or medically identifiable gene or*  
25 *chromosome, or combination or alteration thereof, that*  
26 *is known to be a cause of a disease or disorder in a person*  
27 *or his or her offspring, or that is determined to be*  
28 *associated with a statistically increased risk of*  
29 *development of a disease or disorder, or ~~inherited~~ and*  
30 *that is presently not associated with any symptoms of any*  
31 *disease or disorder.*

32 (B) *Inherited characteristics that may derive from the*  
33 *individual or family member, that ~~is~~ are known to be a*  
34 *cause of a disease or disorder in a person or his or her*  
35 *offspring, or that are determined to be associated with a*  
36 *statistically increased risk of development of a disease or*  
37 *disorder, and that are presently not associated with any*  
38 *symptoms of any disease or disorder.*

39 (i) “Mental disability” includes any mental or  
40 psychological disorder, such as mental retardation,



1 organic brain syndrome, emotional or mental illness, and  
2 specific learning disabilities. However, “mental  
3 disability” does not include conditions excluded from the  
4 federal definition of “disability” pursuant to Section 511  
5 of the Americans with Disabilities Act of 1990 (42 U.S.C.;  
6 Sec. 12211). Additionally, for purposes of this part, the  
7 unlawful use of controlled substances or other drugs shall  
8 not be deemed, in and of itself, to constitute a mental  
9 disability.

10 (j) “On the bases enumerated in this part” means or  
11 refers to discrimination on the basis of one or more of the  
12 following: race, religious creed, color, national origin,  
13 ancestry, physical disability, mental disability, medical  
14 condition, marital status, sex, ~~or~~ age, *or sexual orientation*.

15 (k) “Physical disability” includes, but is not limited to,  
16 all of the following:

17 (1) Having any physiological disease, disorder,  
18 condition, cosmetic disfigurement, or anatomical loss that  
19 does both of the following:

20 (A) Affects one or more of the following body systems:  
21 neurological, immunological, musculoskeletal, special  
22 sense organs, respiratory, including speech organs,  
23 cardiovascular, reproductive, digestive, genitourinary,  
24 hemic and lymphatic, skin, and endocrine.

25 (B) Limits an individual’s ability to participate in  
26 major life activities.

27 (2) Any other health impairment not described in  
28 paragraph (1) that requires special education or related  
29 services.

30 (3) Being regarded as having or having had a disease,  
31 disorder, condition, cosmetic disfigurement, anatomical  
32 loss, or health impairment described in paragraph (1) or  
33 (2).

34 (4) Being regarded as having, or having had, a disease,  
35 disorder, condition, cosmetic disfigurement, anatomical  
36 loss, or health impairment that has no present disabling  
37 effect but may become a physical disability as described  
38 in paragraph (1) or (2).

39 It is the intent of the Legislature that the definition of  
40 “physical disability” in this subdivision shall have the



1 same meaning as the term “physical handicap” formerly  
2 defined by this subdivision and construed in American  
3 National Ins. Co. v. Fair Employment & Housing Com.;  
4 (1982) 32 Cal. 3d 603. However, “physical disability” does  
5 not include conditions excluded from the federal  
6 definition of “disability” pursuant to Section 511 of the  
7 Americans with Disabilities Act of 1990 (42 U.S.C., Sec.  
8 12211). Additionally, for purposes of this part, the  
9 unlawful use of controlled substances or other drugs shall  
10 not be deemed, in and of itself, to constitute a physical  
11 disability.

12 (l) Notwithstanding subdivisions (i) and (k), if the  
13 definition of “disability” used in the Americans with  
14 Disabilities Act of 1990 (Public Law 101-336) would result  
15 in broader protection of the civil rights of individuals with  
16 a mental disability or physical disability, as defined in  
17 subdivision (i) or (k), or would include any medical  
18 condition not included within those definitions, then that  
19 broader protection or coverage shall be deemed  
20 incorporated by reference into, and shall prevail over  
21 conflicting provisions of, the definitions in subdivisions  
22 (i) and (k).

23 (m) *“Race, religious creed, color, national origin,*  
24 *ancestry, physical disability, mental disability, medical*  
25 *condition, marital status, sex, age, or sexual orientation”*  
26 *includes a perception that the person has any of those*  
27 *characteristics or that the person is associated with a*  
28 *person who has, or is perceived to have, any of those*  
29 *characteristics.*

30 (n) “Reasonable accommodation” may include either  
31 of the following:

32 (1) Making existing facilities used by employees  
33 readily accessible to, and usable by, individuals with  
34 disabilities.

35 (2) Job restructuring, part-time or modified work  
36 schedules, reassignment to a vacant position, acquisition  
37 or modification of equipment or devices, adjustment or  
38 modifications of examinations, training materials or  
39 policies, the provision of qualified readers or interpreters,



1 and other similar accommodations for individuals with  
2 disabilities.

3 ~~(n)~~

4 (o) “Religious creed,” “religion,” “religious  
5 observance,” “religious belief,” and “creed” include all  
6 aspects of religious belief, observance, and practice.

7 ~~(o)~~

8 (p) “Sex” includes, but is not limited to, pregnancy,  
9 childbirth, or medical conditions related to pregnancy or  
10 childbirth.

11 ~~(p)~~

12 (q) “Sexual orientation” means heterosexuality,  
13 homosexuality, and bisexuality.

14 (r) “Supervisor” means any individual having the  
15 authority, in the interest of the employer, to hire,  
16 transfer, suspend, lay off, recall, promote, discharge,  
17 assign, reward, or discipline other employees, or the  
18 responsibility to direct them, or to adjust their grievances,  
19 or effectively to recommend that action, if, in connection  
20 with the foregoing, the exercise of that authority is not of  
21 a merely routine or clerical nature, but requires the use  
22 of independent judgment.

23 (s) “Undue hardship” means an action requiring  
24 significant difficulty or expense, when considered in light  
25 of the following factors: (1) the nature and cost of the  
26 accommodation needed, (2) the overall financial  
27 resources of the facilities involved in the provision of the  
28 reasonable accommodations, the number of persons  
29 employed at the facility, and the effect on expenses and  
30 resources or the impact otherwise of these  
31 accommodations upon the operation of the facility, (3)  
32 the overall financial resources of the covered entity, the  
33 overall size of the business of a covered entity with  
34 respect to the number of employees, and the number,  
35 type, and location of its facilities, (4) the type of  
36 operations, including the composition, structure, and  
37 functions of the work force of the entity, and (5) the  
38 geographic separateness, administrative, or fiscal  
39 relationship of the facility or facilities.



1 SEC. 4. Section 12930 of the Government Code is  
2 amended to read:

3 12930. The department shall have the following  
4 functions, powers, and duties:

5 (a) To establish and maintain a principal office and  
6 any other offices within the state as are necessary to carry  
7 out the purposes of this part.

8 (b) To meet and function at any place within the state.

9 (c) To appoint attorneys, investigators, conciliators,  
10 and other employees as it may deem necessary, fix their  
11 compensation within the limitations provided by law, and  
12 prescribe their duties.

13 (d) To obtain upon request and utilize the services of  
14 all governmental departments and agencies and, in  
15 addition, with respect to housing discrimination, of  
16 conciliation councils.

17 (e) To adopt, promulgate, amend, and rescind suitable  
18 rules and regulations to carry out the functions and duties  
19 of the department pursuant to this part.

20 (f) (1) To receive, investigate, and conciliate  
21 complaints alleging practices made unlawful pursuant to  
22 Chapter 6 (commencing with Section 12940).

23 (2) To receive, investigate, and conciliate complaints  
24 alleging a violation of Section 51 or 51.7 of the Civil Code.  
25 The remedies and procedures of this part shall be  
26 independent of any other remedy or procedure that  
27 might apply.

28 (g) In connection with any matter under investigation  
29 or in question before the department pursuant to a  
30 complaint filed under Section 12960, 12961, or 12980:

31 (1) To issue subpoenas to require the attendance and  
32 testimony of witnesses and the production of books,  
33 records, documents, and physical materials.

34 (2) To administer oaths, examine witnesses under oath  
35 and take evidence, and take depositions and affidavits.

36 (3) To issue written interrogatories.

37 (4) To request the production for inspection and  
38 copying of books, records, documents, and physical  
39 materials.



1 (5) To petition the superior courts to compel the  
2 appearance and testimony of witnesses, the production of  
3 books, records, documents, and physical materials, and  
4 the answering of interrogatories.

5 (h) To issue accusations pursuant to Section 12965 or  
6 12981 and to prosecute those accusations before the  
7 commission.

8 (i) To issue those publications and those results of  
9 investigations and research as in its judgment will tend to  
10 promote good will and minimize or eliminate  
11 discrimination in employment on the bases enumerated  
12 in this part and discrimination in housing because of race,  
13 religious creed, color, sex, marital status, national origin,  
14 ancestry, familial status, disability, or sexual orientation.

15 (j) To investigate, approve, certify, decertify, monitor,  
16 and enforce nondiscrimination programs proposed by a  
17 contractor to be engaged in pursuant to Section 12990.

18 (k) To render annually to the Governor and to the  
19 Legislature a written report of its activities and of its  
20 recommendations.

21 *SEC. 4.5. Section 12930 of the Government Code is*  
22 *amended to read:*

23 12930. The department shall have the following  
24 functions, powers, and duties:

25 (a) To establish and maintain a principal office and  
26 any other offices within the state as are necessary to carry  
27 out the purposes of this part.

28 (b) To meet and function at any place within the state.

29 (c) To appoint attorneys, investigators, conciliators,  
30 and other employees as it may deem necessary, fix their  
31 compensation within the limitations provided by law, and  
32 prescribe their duties.

33 (d) To obtain upon request and utilize the services of  
34 all governmental departments and agencies and, in  
35 addition, with respect to housing discrimination, of  
36 conciliation councils.

37 (e) To adopt, promulgate, amend, and rescind suitable  
38 rules and regulations to carry out the functions and duties  
39 of the department pursuant to this part.



1 (f) (1) To receive, investigate, and conciliate  
2 complaints alleging practices made unlawful pursuant to  
3 Chapter 6 (commencing with Section 12940).

4 (2) To receive, investigate, and conciliate complaints  
5 alleging a violation of Section 51 ~~or~~, 51.5, 51.7, 54, 54.1, or  
6 54.2 of the Civil Code. The remedies and procedures of  
7 this part shall be independent of any other remedy or  
8 procedure that might apply.

9 (g) In connection with any matter under investigation  
10 or in question before the department pursuant to a  
11 complaint filed under Section 12960, 12961, or 12980:

12 (1) To issue subpoenas to require the attendance and  
13 testimony of witnesses and the production of books,  
14 records, documents, and physical materials.

15 (2) To administer oaths, examine witnesses under oath  
16 and take evidence, and take depositions and affidavits.

17 (3) To issue written interrogatories.

18 (4) To request the production for inspection and  
19 copying of books, records, documents, and physical  
20 materials.

21 (5) To petition the superior courts to compel the  
22 appearance and testimony of witnesses, the production of  
23 books, records, documents, and physical materials, and  
24 the answering of interrogatories.

25 (h) To issue accusations pursuant to Section 12965 or  
26 12981 and to prosecute those accusations before the  
27 commission.

28 (i) To issue those publications and those results of  
29 investigations and research as in its judgment will tend to  
30 promote good will and minimize or eliminate  
31 discrimination in employment on the bases enumerated  
32 in this part and discrimination in housing because of race,  
33 religious creed, color, sex, marital status, national origin,  
34 ancestry, familial status, ~~or~~ disability, or *sexual*  
35 *orientation*.

36 (j) To investigate, approve, certify, decertify, monitor,  
37 and enforce nondiscrimination programs proposed by a  
38 contractor to be engaged in pursuant to Section 12990.



1 (k) To render annually to the Governor and to the  
2 Legislature a written report of its activities and of its  
3 recommendations.

4 SEC. 5. Section 12931 of the Government Code is  
5 amended to read:

6 12931. The department may also provide assistance to  
7 communities and persons therein in resolving disputes,  
8 disagreements, or difficulties relating to discriminatory  
9 practices based on race, religious creed, color, national  
10 origin, ancestry, physical disability, mental disability,  
11 medical condition, marital status, sex, familial status, age,  
12 or sexual orientation that impair the rights of persons in  
13 those communities under the Constitution or laws of the  
14 United States or of this state. The services of the  
15 department may be made available in cases of these  
16 disputes, disagreements, or difficulties only when, in its  
17 judgment, peaceful relations among the citizens of the  
18 community involved are threatened thereby. The  
19 department's services are to be made available only upon  
20 the request of an appropriate state or local public body,  
21 or upon the request of any person directly affected by any  
22 such dispute, disagreement, or difficulty.

23 The assistance of the department pursuant to this  
24 section shall be limited to endeavors at investigation,  
25 conference, conciliation, and persuasion.

26 SEC. 6. Section 12935 of the Government Code is  
27 amended to read:

28 12935. The commission shall have the following  
29 functions, powers, and duties:

30 (a) To adopt, promulgate, amend, and rescind suitable  
31 rules, regulations, and standards (1) to interpret,  
32 implement, and apply all provisions of this part, (2) to  
33 regulate the conduct of hearings held pursuant to  
34 Sections 12967 and 12980, and (3) to carry out all other  
35 functions and duties of the commission pursuant to this  
36 part.

37 (b) To conduct hearings pursuant to Sections 12967  
38 and 12981.

39 (c) To establish and maintain a principal office within  
40 the state.



1 (d) To meet and function at any place within the state.

2 (e) To appoint an executive secretary, and any  
3 attorneys and other employees as it may deem necessary,  
4 fix their compensation within the limitations provided by  
5 law, and prescribe their duties.

6 (f) To hold hearings, subpoena witnesses, compel their  
7 attendance, administer oaths, examine any person under  
8 oath and, in connection therewith, to require the  
9 production of any books or papers relating to any matter  
10 under investigation or in question before the commission.

11 (g) To create or provide financial or technical  
12 assistance to any advisory agencies and conciliation  
13 councils, local or otherwise, as in its judgment will aid in  
14 effectuating the purposes of this part, and to empower  
15 them to study the problems of discrimination in all or  
16 specific fields of human relationships or in particular  
17 instances of employment discrimination on the bases  
18 enumerated in this part or in specific instances of housing  
19 discrimination because of race, religious creed, color,  
20 national origin, ancestry, familial status, disability, marital  
21 status, sex, or sexual orientation and to foster, through  
22 community effort or otherwise, good will, cooperation,  
23 and conciliation among the groups and elements of the  
24 population of the state and to make recommendations to  
25 the commission for the development of policies and  
26 procedures in general. These advisory agencies and  
27 conciliation councils shall be composed of representative  
28 citizens, serving without pay.

29 (h) With respect to findings and orders made pursuant  
30 to this part, to establish a system of published opinions  
31 that shall serve as precedent in interpreting and applying  
32 the provisions of this part. Commission findings, orders,  
33 and opinions in an adjudicative proceeding are subject to  
34 Section 11425.60.

35 (i) To issue publications and results of inquiries and  
36 research that in its judgment will tend to promote good  
37 will and minimize or eliminate unlawful discrimination.  
38 These publications shall include an annual report to the  
39 Governor and the Legislature of its activities and  
40 recommendations.



1 (j) Notwithstanding Sections 11370.3 and 11502, to  
2 appoint hearing officers, as it may deem necessary, to  
3 conduct hearings. Each hearing officer shall possess the  
4 qualifications established by the State Personnel Board  
5 for the particular class of position involved.

6 SEC. 7. Section 12940 of the Government Code is  
7 amended to read:

8 12940. It shall be an unlawful employment practice,  
9 unless based upon a bona fide occupational qualification,  
10 or, except where based upon applicable security  
11 regulations established by the United States or the State  
12 of California:

13 (a) For an employer, because of the race, religious  
14 creed, color, national origin, ancestry, physical disability,  
15 mental disability, medical condition, marital status, sex, or  
16 sexual orientation of any person, to refuse to hire or  
17 employ the person or to refuse to select the person for a  
18 training program leading to employment, or to bar or to  
19 discharge the person from employment or from a training  
20 program leading to employment, or to discriminate  
21 against the person in compensation or in terms,  
22 conditions, or privileges of employment.

23 (1) Nothing in this part shall prohibit an employer  
24 from refusing to hire or discharging an employee with a  
25 physical or mental disability, or subject an employer to  
26 any legal liability resulting from the refusal to employ or  
27 the discharge of an employee with a physical or mental  
28 disability, where the employee, because of his or her  
29 physical or mental disability, is unable to perform his or  
30 her essential duties even with reasonable  
31 accommodations, or cannot perform those duties in a  
32 manner that would not endanger his or her health or  
33 safety or the health and safety of others even with  
34 reasonable accommodations.

35 (2) Nothing in this part shall prohibit an employer  
36 from refusing to hire or discharging an employee who,  
37 because of the employee's medical condition, is unable to  
38 perform his or her essential duties even with reasonable  
39 accommodations, or cannot perform those duties in a  
40 manner that would not endanger the employee's health



1 or safety or the health or safety of others even with  
2 reasonable accommodations. Nothing in this part shall  
3 subject an employer to any legal liability resulting from  
4 the refusal to employ or the discharge of an employee  
5 who, because of the employee's medical condition, is  
6 unable to perform his or her essential duties, or cannot  
7 perform those duties in a manner that would not  
8 endanger the employee's health or safety or the health or  
9 safety of others even with reasonable accommodations.

10 (3) Nothing in this part relating to discrimination on  
11 account of marital status shall do either of the following:

12 (A) Affect the right of an employer to reasonably  
13 regulate, for reasons of supervision, safety, security, or  
14 morale, the working of spouses in the same department,  
15 division, or facility, consistent with the rules and  
16 regulations adopted by the commission.

17 (B) Prohibit bona fide health plans from providing  
18 additional or greater benefits to employees with  
19 dependents than to those employees without or with  
20 fewer dependents.

21 (4) Nothing in this part relating to discrimination on  
22 account of sex shall affect the right of an employer to use  
23 veteran status as a factor in employee selection or to give  
24 special consideration to Vietnam era veterans.

25 (b) For a labor organization, because of the race,  
26 religious creed, color, national origin, ancestry, physical  
27 disability, mental disability, medical condition, marital  
28 status, sex, or sexual orientation of any person, to exclude,  
29 expel or restrict from its membership the person, or to  
30 provide only second-class or segregated membership or  
31 to discriminate against any person because of the race,  
32 religious creed, color, national origin, ancestry, physical  
33 disability, mental disability, medical condition, marital  
34 status, sex, or sexual orientation of the person in the  
35 election of officers of the labor organization or in the  
36 selection of the labor organization's staff or to  
37 discriminate in any way against any of its members or  
38 against any employer or against any person employed by  
39 an employer.



1 (c) For any person to discriminate against any person  
2 in the selection or training of that person in any  
3 apprenticeship training program or any other training  
4 program leading to employment because of the race,  
5 religious creed, color, national origin, ancestry, physical  
6 disability, mental disability, medical condition, marital  
7 status, sex, or sexual orientation of the person  
8 discriminated against.

9 (d) For any employer or employment agency, unless  
10 specifically acting in accordance with federal equal  
11 employment opportunity guidelines and regulations  
12 approved by the commission, to print or circulate or  
13 cause to be printed or circulated any publication, or to  
14 make any non-job-related inquiry, either verbal or  
15 through use of an application form, that expresses,  
16 directly or indirectly, any limitation, specification, or  
17 discrimination as to race, religious creed, color, national  
18 origin, ancestry, physical disability, mental disability,  
19 medical condition, marital status, sex, or sexual  
20 orientation, or any intent to make any such limitation,  
21 specification, or discrimination. Except as provided in the  
22 Americans with Disabilities Act of 1990 (Public Law  
23 101-336) and the regulations adopted pursuant thereto,  
24 nothing in this subdivision shall prohibit any employer  
25 from making, in connection with prospective  
26 employment, an inquiry as to, or a request for information  
27 regarding, the physical fitness, medical condition,  
28 physical condition, or medical history of applicants if that  
29 inquiry or request for information is directly related and  
30 pertinent to the position the applicant is applying for or  
31 directly related to a determination of whether the  
32 applicant would endanger his or her health or safety or  
33 the health or safety of others.

34 (e) For any employer, labor organization, or  
35 employment agency to harass, discharge, expel, or  
36 otherwise discriminate against any person because the  
37 person has made a report pursuant to Section 11161.8 of  
38 the Penal Code that prohibits retaliation against hospital  
39 employees who report suspected patient abuse by health  
40 facilities or community care facilities.



1 (f) For any employer, labor organization,  
2 employment agency, or person to discharge, expel, or  
3 otherwise discriminate against any person because the  
4 person has opposed any practices forbidden under this  
5 part or because the person has filed a complaint, testified,  
6 or assisted in any proceeding under this part.

7 (g) For any person to aid, abet, incite, compel, or  
8 coerce the doing of any of the acts forbidden under this  
9 part, or to attempt to do so.

10 (h) (1) For an employer, labor organization,  
11 employment agency, apprenticeship training program or  
12 any training program leading to employment, or any  
13 other person, because of race, religious creed, color,  
14 national origin, ancestry, physical disability, mental  
15 disability, medical condition, marital status, sex, age, or  
16 sexual orientation, to harass an employee or applicant.  
17 Harassment of an employee or applicant by an employee  
18 other than an agent or supervisor shall be unlawful if the  
19 entity, or its agents or supervisors, knows or should have  
20 known of this conduct and fails to take immediate and  
21 appropriate corrective action. An entity shall take all  
22 reasonable steps to prevent harassment from occurring.  
23 Loss of tangible job benefits shall not be necessary in  
24 order to establish harassment.

25 (2) The provisions of this subdivision ~~is~~ *are* declaratory  
26 of existing law, except for the new duties imposed on  
27 employers with regard to harassment.

28 (3) (A) For purposes of this subdivision only,  
29 “employer” means any person regularly employing one  
30 or more persons, or any person acting as an agent of an  
31 employer, directly or indirectly, the state, or any political  
32 or civil subdivision of the state, and cities.

33 (B) Notwithstanding subparagraph (A), for purposes  
34 of this subdivision, “employer” does not include a  
35 religious association or corporation not organized for  
36 private profit.

37 (C) For purposes of this subdivision, “harassment”  
38 because of sex includes sexual harassment, gender  
39 harassment, and harassment based on pregnancy,  
40 childbirth, or related medical conditions.



1 (4) For other types of discrimination as enumerated in  
2 subdivision (a), an employer remains as defined in  
3 subdivision (d) of Section 12926.

4 (5) Nothing contained in this subdivision shall be  
5 construed to apply the definition of employer found in  
6 this subdivision to subdivision (a).

7 (i) For an employer, labor organization, employment  
8 agency, apprenticeship training program, or any training  
9 program leading to employment, to fail to take all  
10 reasonable steps necessary to prevent discrimination and  
11 harassment from occurring.

12 (j) For an employer or other entity covered by this  
13 part to refuse to hire or employ a person or to refuse to  
14 select a person for a training program leading to  
15 employment or to bar or to discharge a person from  
16 employment or from a training program leading to  
17 employment, or to discriminate against a person in  
18 compensation or in terms, conditions, or privileges of  
19 employment because of a conflict between the person's  
20 religious belief or observance and any employment  
21 requirement, unless the employer or other entity  
22 covered by this part demonstrates that it has explored any  
23 available reasonable alternative means of  
24 accommodating the religious belief or observance,  
25 including the possibilities of excusing the person from  
26 those duties that conflict with his or her religious belief or  
27 observance or permitting those duties to be performed at  
28 another time or by another person, but is unable to  
29 reasonably accommodate the religious belief or  
30 observance without undue hardship on the conduct of the  
31 business of the employer or other entity covered by this  
32 part. Religious belief or observance, as used in this  
33 section, includes, but is not limited to, observance of a  
34 Sabbath or other religious holy day or days, and  
35 reasonable time necessary for travel prior and subsequent  
36 to a religious observance.

37 (k) For an employer or other entity covered by this  
38 part to fail to make reasonable accommodation for the  
39 known physical or mental disability of an applicant or  
40 employee. Nothing in this subdivision or in paragraph (1)



1 or (2) of subdivision (a) shall be construed to require an  
2 accommodation that is demonstrated by the employer or  
3 other covered entity to produce undue hardship to its  
4 operation.

5 (l) Initial application of this section to discrimination  
6 by employers on the basis of mental disability shall be in  
7 accordance with the following schedule:

8 (1) Commencing January 1, 1993, for employers with  
9 25 or more employees, the state, and its municipalities  
10 and political subdivisions.

11 (2) Commencing July 26, 1994, for all other employers  
12 specified in paragraph (2) of the subdivision of Section  
13 12926 that defines "employer."

14 *SEC. 7.5. Section 12940 of the Government Code is*  
15 *amended to read:*

16 12940. It shall be an unlawful employment practice,  
17 unless based upon a bona fide occupational qualification,  
18 or, except where based upon applicable security  
19 regulations established by the United States or the State  
20 of California:

21 (a) For an employer, because of the race, religious  
22 creed, color, national origin, ancestry, physical disability,  
23 mental disability, medical condition, marital status, ~~or~~  
24 sex, *or sexual orientation* of any person, to refuse to hire  
25 or employ the person or to refuse to select the person for  
26 a training program leading to employment, or to bar or  
27 to discharge the person from employment or from a  
28 training program leading to employment, or to  
29 discriminate against the person in compensation or in  
30 terms, conditions, or privileges of employment.

31 (1) ~~Nothing in this~~ This part ~~shall~~ *does not* prohibit an  
32 employer from refusing to hire or discharging an  
33 employee with a physical or mental disability, or subject  
34 an employer to any legal liability resulting from the  
35 refusal to employ or the discharge of an employee with  
36 a physical or mental disability, where the employee,  
37 because of his or her physical or mental disability, is  
38 unable to perform his or her essential duties even with  
39 reasonable accommodations, or cannot perform those  
40 duties in a manner that would not endanger his or her



1 health or safety or the health ~~and~~ or safety of others even  
2 with reasonable accommodations.

3 (2) ~~Nothing in this~~ This part ~~shall~~ *does not* prohibit an  
4 employer from refusing to hire or discharging an  
5 employee who, because of the employee's medical  
6 condition, is unable to perform his or her essential duties  
7 even with reasonable accommodations, or cannot  
8 perform those duties in a manner that would not  
9 endanger the employee's health or safety or the health or  
10 safety of others even with reasonable accommodations.  
11 Nothing in this part shall subject an employer to any legal  
12 liability resulting from the refusal to employ or the  
13 discharge of an employee who, because of the employee's  
14 medical condition, is unable to perform his or her  
15 essential duties, or cannot perform those duties in a  
16 manner that would not endanger the employee's health  
17 or safety or the health or safety of others even with  
18 reasonable accommodations.

19 (3) Nothing in this part relating to discrimination on  
20 account of marital status shall do either of the following:

21 (A) Affect the right of an employer to reasonably  
22 regulate, for reasons of supervision, safety, security, or  
23 morale, the working of spouses in the same department,  
24 division, or facility, consistent with the rules and  
25 regulations adopted by the commission.

26 (B) Prohibit bona fide health plans from providing  
27 additional or greater benefits to employees with  
28 dependents than to those employees without or with  
29 fewer dependents.

30 (4) Nothing in this part relating to discrimination on  
31 account of sex shall affect the right of an employer to use  
32 veteran status as a factor in employee selection or to give  
33 special consideration to ~~Vietnam—era~~ *Vietnam-era*  
34 veterans.

35 (b) For a labor organization, because of the race,  
36 religious creed, color, national origin, ancestry, physical  
37 disability, mental disability, medical condition, marital  
38 status, ~~or~~ sex, *or sexual orientation* of any person, to  
39 exclude, expel or restrict from its membership the  
40 person, or to provide only second-class or segregated



1 membership or to discriminate against any person  
2 because of the race, religious creed, color, national origin,  
3 ancestry, physical disability, mental disability, medical  
4 condition, marital status, ~~or~~ sex, *or sexual orientation* of  
5 the person in the election of officers of the labor  
6 organization or in the selection of the labor organization's  
7 staff or to discriminate in any way against any of its  
8 members or against any employer or against any person  
9 employed by an employer.

10 (c) For any person to discriminate against any person  
11 in the selection or training of that person in any  
12 apprenticeship training program or any other training  
13 program leading to employment because of the race,  
14 religious creed, color, national origin, ancestry, physical  
15 disability, mental disability, medical condition, marital  
16 status, ~~or~~ sex, *or sexual orientation* of the person  
17 discriminated against.

18 (d) For any employer or employment agency, unless  
19 specifically acting in accordance with federal equal  
20 employment opportunity guidelines and regulations  
21 approved by the commission, to print or circulate or  
22 cause to be printed or circulated any publication, or to  
23 make any non-job-related inquiry *of an employee or*  
24 *applicant*, either verbal or through use of an application  
25 form, ~~which~~ *that* expresses, directly or indirectly, any  
26 limitation, specification, or discrimination as to race,  
27 religious creed, color, national origin, ancestry, physical  
28 disability, mental disability, medical condition, marital  
29 status, ~~or~~ sex, *or sexual orientation*, or any intent to make  
30 ~~that~~ *any such* limitation, specification or discrimination.  
31 Except as provided in the Americans with Disabilities Act  
32 of 1990 (Public Law 101-336) and the regulations adopted  
33 pursuant thereto, nothing in this subdivision shall  
34 prohibit any employer from making, in connection with  
35 prospective employment, an inquiry as to, or a request for  
36 information regarding, the physical fitness, medical  
37 condition, physical condition, or medical history of  
38 applicants if that inquiry or request for information is  
39 directly related and pertinent to the position the  
40 applicant is applying for or directly related to a



1 determination of whether the applicant would endanger  
2 his or her health or safety or the health or safety of others.

3 (e) For any employer, labor organization, or  
4 employment agency to harass, discharge, expel, or  
5 otherwise discriminate against any person because the  
6 person has made a report pursuant to Section 11161.8 of  
7 the Penal Code,—~~which~~ *that* prohibits retaliation against  
8 hospital employees who report suspected patient abuse  
9 by health facilities or community care facilities.

10 (f) For any employer, labor organization,  
11 employment agency, or person to discharge, expel, or  
12 otherwise discriminate against any person because the  
13 person has opposed any practices forbidden under this  
14 part or because the person has filed a complaint, testified,  
15 or assisted in any proceeding under this part.

16 (g) For any person to aid, abet, incite, compel, or  
17 coerce the doing of any of the acts forbidden under this  
18 part, or to attempt to do so.

19 (h) (1) For an employer, labor organization,  
20 employment agency, apprenticeship training program or  
21 any training program leading to employment, or any  
22 other person, because of race, religious creed, color,  
23 national origin, ancestry, physical disability, mental  
24 disability, medical condition, marital status, sex, ~~or~~ age, *or*  
25 *sexual orientation*, to harass an employee ~~or~~, *an*  
26 applicant, *or a person providing services pursuant to a*  
27 *contract*. Harassment of an employee ~~or~~, *an* applicant, *or*  
28 *a person providing services pursuant to a contract* by an  
29 employee other than an agent or supervisor shall be  
30 unlawful if the entity, or its agents or supervisors, knows  
31 or should have known of this conduct and fails to take  
32 immediate and appropriate corrective action. An entity  
33 shall take all reasonable steps to prevent harassment from  
34 occurring. Loss of tangible job benefits shall not be  
35 necessary in order to establish harassment.

36 (2) ~~This~~ *The provisions of this* subdivision ~~is~~ *are*  
37 declaratory of existing law, except for the new duties  
38 imposed on employers with regard to harassment.

39 (3) (A) For purposes of this subdivision only,  
40 “employer” means any person regularly employing one



1 or more persons *or regularly receiving the services of one*  
2 *or more persons providing services pursuant to a*  
3 *contract*, or any person acting as an agent of an employer,  
4 directly or indirectly, the state, or any political or civil  
5 subdivision ~~thereof~~ *of the state*, and cities. *The definition*  
6 *of “employer” in subdivision (d) of Section 12926 applies*  
7 *to all provisions of this section other than this subdivision.*

8 (B) Notwithstanding subparagraph (A), for purposes  
9 of this subdivision, “employer” does not include a  
10 religious association or corporation not organized for  
11 private profit.

12 (C) For purposes of this subdivision, “harassment”  
13 because of sex includes sexual harassment, gender  
14 harassment, and harassment based on pregnancy,  
15 childbirth, or related medical conditions.

16 ~~(4) For other types of discrimination as enumerated in~~  
17 ~~subdivision (a), an employer remains as defined in~~  
18 ~~subdivision (d) of Section 12926.~~

19 ~~(5) Nothing contained in this subdivision shall be~~  
20 ~~construed to apply the definition of employer found in~~  
21 ~~this subdivision to subdivision (a) purposes of this~~  
22 ~~subdivision, “a person providing services pursuant to a~~  
23 ~~contract” means a person who meets all of the following~~  
24 ~~criteria:~~

25 (A) *The person has the right to control the*  
26 *performance of the contract for services and discretion as*  
27 *to the manner of performance.*

28 (B) *The person is customarily engaged in an*  
29 *independently established business.*

30 (C) *The person has control over the time and place the*  
31 *work is performed, supplies the tools and instruments*  
32 *used in the work, and performs work that requires a*  
33 *particular skill not ordinarily used in the course of the*  
34 *employer’s work.*

35 (i) For an employer, labor organization, employment  
36 agency, apprenticeship training program, or any training  
37 program leading to employment, to fail to take all  
38 reasonable steps necessary to prevent discrimination and  
39 harassment from occurring.



1 (j) For an employer or other entity covered by this  
2 part to refuse to hire or employ a person or to refuse to  
3 select a person for a training program leading to  
4 employment or to bar or to discharge a person from  
5 employment or from a training program leading to  
6 employment, or to discriminate against a person in  
7 compensation or in terms, conditions, or privileges of  
8 employment because of a conflict between the person's  
9 religious belief or observance and any employment  
10 requirement, unless the employer or other entity  
11 covered by this part demonstrates that it has explored any  
12 available reasonable alternative means of  
13 accommodating the religious belief or observance,  
14 including the possibilities of excusing the person from  
15 those duties that conflict with his or her religious belief or  
16 observance or permitting those duties to be performed at  
17 another time or by another person, but is unable to  
18 reasonably accommodate the religious belief or  
19 observance without undue hardship on the conduct of the  
20 business of the employer or other entity covered by this  
21 part. Religious belief or observance, as used in this  
22 section, includes, but is not limited to, observance of a  
23 Sabbath or other religious holy day or days, and  
24 reasonable time necessary for travel prior and subsequent  
25 to a religious observance.

26 (k) For an employer or other entity covered by this  
27 part to fail to make reasonable accommodation for the  
28 known physical or mental disability of an applicant or  
29 employee. Nothing in this subdivision or in paragraph (1)  
30 or (2) of subdivision (a) shall be construed to require an  
31 accommodation that is demonstrated by the employer or  
32 other covered entity to produce undue hardship to its  
33 operation.

34 ~~(l) Initial application of this section to discrimination~~  
35 ~~by employers on the basis of mental disability shall be in~~  
36 ~~accordance with the following schedule:~~

37 ~~(1) Commencing January 1, 1993, for employers with~~  
38 ~~25 or more employees, the state, and its municipalities~~  
39 ~~and political subdivisions.~~



1 ~~(2) Commencing July 26, 1994, for all other employers~~  
2 ~~specified in paragraph (2) of the subdivision of Section~~  
3 ~~12926 that defines “employer.” For an employer or other~~  
4 ~~entity covered by this part, to subject, directly or~~  
5 ~~indirectly, any employee, applicant, or other person to a~~  
6 ~~test for the presence of a genetic characteristic.~~

7 SEC. 8. Section 12944 of the Government Code is  
8 amended to read:

9 12944. (a) It shall be unlawful for a licensing board to  
10 require any examination or establish any other  
11 qualification for licensing that has an adverse impact on  
12 any class by virtue of its race, creed, color, national origin  
13 or ancestry, sex, age, medical condition, physical  
14 disability, mental disability, or sexual orientation, unless  
15 the practice can be demonstrated to be job related.

16 Where the commission, after hearing, determines that  
17 an examination is unlawful under this subdivision, the  
18 licensing board may continue to use and rely on the  
19 examination until such time as judicial review by the  
20 superior court of the determination is exhausted.

21 If an examination or other qualification for licensing is  
22 determined to be unlawful under this section, that  
23 determination shall not void, limit, repeal, or otherwise  
24 affect any right, privilege, status, or responsibility  
25 previously conferred upon any person by the  
26 examination or by a license issued in reliance on the  
27 examination or qualification.

28 (b) It shall be unlawful for a licensing board to fail or  
29 refuse to make reasonable accommodation to an  
30 individual’s mental or physical disability or medical  
31 condition.

32 (c) It shall be unlawful for any licensing board, unless  
33 specifically acting in accordance with federal equal  
34 employment opportunity guidelines or regulations  
35 approved by the commission, to print or circulate or  
36 cause to be printed or circulated any publication, or to  
37 make any non-job-related inquiry, either verbal or  
38 through use of an application form, which expresses,  
39 directly or indirectly, any limitation, specification, or  
40 discrimination as to race, religious creed, color, national



1 origin, ancestry, physical disability, mental disability,  
2 medical condition, sex, age, or sexual orientation or any  
3 intent to make any such limitation, specification, or  
4 discrimination. Nothing in this subdivision shall prohibit  
5 any licensing board from making, in connection with  
6 prospective licensure or certification, an inquiry as to, or  
7 a request for information regarding, the physical fitness  
8 of applicants if that inquiry or request for information is  
9 directly related and pertinent to the license or the  
10 licensed position the applicant is applying for. Nothing in  
11 this subdivision shall prohibit any licensing board, in  
12 connection with prospective examinations, licensure, or  
13 certification, from inviting individuals with physical or  
14 mental disabilities to request reasonable  
15 accommodations or from making inquiries related to  
16 reasonable accommodations.

17 (d) It is unlawful for a licensing board to discriminate  
18 against any person because the person has filed a  
19 complaint, testified, or assisted in any proceeding under  
20 this part.

21 (e) It is unlawful for any licensing board to fail to keep  
22 records of applications for licensing or certification for a  
23 period of two years following the date of receipt of the  
24 applications.

25 (f) As used in this section, “licensing board” means any  
26 state board, agency, or authority in the State and  
27 Consumer Services Agency that has the authority to grant  
28 licenses or certificates which are prerequisites to  
29 employment eligibility or professional status.

30 SEC. 9. Section 12955 of the Government Code is  
31 amended to read:

32 12955. It shall be unlawful:

33 (a) For the owner of any housing accommodation to  
34 discriminate against any person because of the race,  
35 color, religion, sex, sexual orientation, marital status,  
36 national origin, ancestry, familial status, or disability of  
37 that person.

38 (b) For the owner of any housing accommodation to  
39 make or to cause to be made any written or oral inquiry  
40 concerning the race, color, religion, sex, sexual



1 orientation, marital status, national origin, ancestry,  
2 familial status, or disability of any person seeking to  
3 purchase, rent or lease any housing accommodation.

4 (c) For any person to make, print, or publish, or cause  
5 to be made, printed, or published any notice, statement,  
6 or advertisement, with respect to the sale or rental of a  
7 housing accommodation that indicates any preference,  
8 limitation, or discrimination based on race, color, religion,  
9 sex, sexual orientation, marital status, national origin,  
10 ancestry, familial status, or disability or an intention to  
11 make any such preference, limitation, or discrimination.

12 (d) For any person subject to the provisions of Section  
13 51 of the Civil Code, as that section applies to housing  
14 accommodations, to discriminate against any person on  
15 the basis of sex, sexual orientation, color, race, religion,  
16 ancestry, national origin, familial status, marital status,  
17 disability, or on any other basis prohibited by that section.

18 (e) For any person, bank, mortgage company or other  
19 financial institution that provides financial assistance for  
20 the purchase, organization, or construction of any  
21 housing accommodation to discriminate against any  
22 person or group of persons because of the race, color,  
23 religion, sex, sexual orientation, marital status, national  
24 origin, ancestry, familial status, or disability in the terms,  
25 conditions, or privileges relating to the obtaining or use  
26 of that financial assistance.

27 (f) For any owner of housing accommodations to  
28 harass, evict, or otherwise discriminate against any  
29 person in the sale or rental of housing accommodations  
30 when the owner's dominant purpose is retaliation against  
31 a person who has opposed practices unlawful under this  
32 section, informed law enforcement agencies of practices  
33 believed unlawful under this section, has testified or  
34 assisted in any proceeding under this part, or has aided or  
35 encouraged a person to exercise or enjoy the rights  
36 secured by this part. Nothing herein is intended to cause  
37 or permit the delay of an unlawful detainer action.

38 (g) For any person to aid, abet, incite, compel, or  
39 coerce the doing of any of the acts or practices declared  
40 unlawful in this section, or to attempt to do so.



1 (h) For any person, for profit, to induce any person to  
2 sell or rent any dwelling by representations regarding the  
3 entry or prospective entry into the neighborhood of a  
4 person or persons of a particular race, color, religion, sex,  
5 sexual orientation, marital status, ancestry, disability,  
6 familial status, or national origin.

7 (i) For any person or other organization or entity  
8 whose business involves real estate-related transactions to  
9 discriminate against any person in making available a  
10 transaction, or in the terms and conditions of a  
11 transaction, because of race, color, religion, sex, sexual  
12 orientation, marital status, national origin, ancestry,  
13 familial status, or disability.

14 (j) To deny a person access to, or membership or  
15 participation in, a multiple listing service, real estate  
16 brokerage organization, or other service because of race,  
17 color, religion, sex, sexual orientation, marital status,  
18 ancestry, disability, familial status, or national origin.

19 (k) To otherwise make unavailable or deny a dwelling  
20 based on discrimination because of race, color, religion,  
21 sex, sexual orientation, familial status, disability, or  
22 national origin.

23 (l) To discriminate through public or private land use  
24 practices, decisions, and authorizations because of race,  
25 color, religion, sex, sexual orientation, familial status,  
26 marital status, disability, national origin, or ancestry.  
27 Discrimination includes, but is not limited to, restrictive  
28 covenants, zoning laws, denials of use permits, and other  
29 actions authorized under the Planning and Zoning Law  
30 (Title 7 (commencing with Section 65000)), that make  
31 housing opportunities unavailable.

32 *SEC. 9.1. Section 12955 of the Government Code is*  
33 *amended to read:*

34 12955. It shall be unlawful:

35 (a) For the owner of any housing accommodation to  
36 discriminate against *or harass* any person because of the  
37 race, color, religion, sex, *sexual orientation*, marital status,  
38 national origin, ancestry, familial status, or disability of  
39 that person.



1 (b) For the owner of any housing accommodation to  
2 make or to cause to be made any written or oral inquiry  
3 concerning the race, color, religion, sex, *sexual*  
4 *orientation*, marital status, national origin, ancestry,  
5 familial status, or disability of any person seeking to  
6 purchase, rent or lease any housing accommodation.

7 (c) For any person to make, print, or publish, or cause  
8 to be made, printed, or published any notice, statement,  
9 or advertisement, with respect to the sale or rental of a  
10 housing accommodation that indicates any preference,  
11 limitation, or discrimination based on race, color, religion,  
12 sex, *sexual orientation*, marital status, national origin,  
13 ancestry, familial status, or disability or an intention to  
14 make any such preference, limitation, or discrimination.

15 (d) For any person subject to the provisions of Section  
16 51 of the Civil Code, as that section applies to housing  
17 accommodations, to discriminate against any person on  
18 the basis of sex, *sexual orientation*, color, race, religion,  
19 ancestry, national origin, familial status, marital status,  
20 disability, or on any other basis prohibited by that section.

21 (e) For any person, bank, mortgage company or other  
22 financial institution that provides financial assistance for  
23 the purchase, organization, or construction of any  
24 housing accommodation to discriminate against any  
25 person or group of persons because of the race, color,  
26 religion, sex, *sexual orientation*, marital status, national  
27 origin, ancestry, familial status, or disability in the terms,  
28 conditions, or privileges relating to the obtaining or use  
29 of that financial assistance.

30 (f) For any owner of housing accommodations to  
31 harass, evict, or otherwise discriminate against any  
32 person in the sale or rental of housing accommodations  
33 when the owner's dominant purpose is retaliation against  
34 a person who has opposed practices unlawful under this  
35 section, informed law enforcement agencies of practices  
36 believed unlawful under this section, has testified or  
37 assisted in any proceeding under this part, or has aided or  
38 encouraged a person to exercise or enjoy the rights  
39 secured by this part. Nothing herein is intended to cause  
40 or permit the delay of an unlawful detainer action.



1 (g) For any person to aid, abet, incite, compel, or  
2 coerce the doing of any of the acts or practices declared  
3 unlawful in this section, or to attempt to do so.

4 (h) For any person, for profit, to induce any person to  
5 sell or rent any dwelling by representations regarding the  
6 entry or prospective entry into the neighborhood of a  
7 person or persons of a particular race, color, religion, sex,  
8 *sexual orientation*, marital status, ancestry, disability,  
9 familial status, or national origin.

10 (i) For any person or other organization or entity  
11 whose business involves real estate-related transactions to  
12 discriminate against any person in making available a  
13 transaction, or in the terms and conditions of a  
14 transaction, because of race, color, religion, sex, *sexual*  
15 *orientation*, marital status, national origin, ancestry,  
16 familial status, or disability.

17 (j) To deny a person access to, or membership or  
18 participation in, a multiple listing service, real estate  
19 brokerage organization, or other service because of race,  
20 color, religion, sex, *sexual orientation*, marital status,  
21 ancestry, disability, familial status, or national origin.

22 (k) To otherwise make unavailable or deny a dwelling  
23 based on discrimination because of race, color, religion,  
24 sex, *sexual orientation*, familial status, disability, or  
25 national origin.

26 (l) To discriminate through public or private land use  
27 practices, decisions, and authorizations because of race,  
28 color, religion, sex, *sexual orientation*, familial status,  
29 marital status, disability, national origin, or ancestry.  
30 Discrimination includes, but is not limited to, restrictive  
31 covenants, zoning laws, denials of use permits, and other  
32 actions authorized under the Planning and Zoning Law  
33 (Title 7 (commencing with Section 65000)), that make  
34 housing opportunities unavailable.

35 (m) *As used in this section, "race, color, religion, sex,*  
36 *sexual orientation, marital status, national origin,*  
37 *ancestry, familial status, or disability" includes a*  
38 *perception that the person has any of those*  
39 *characteristics or that the person is associated with a*



1 *person who has, or is perceived to have, any of those*  
2 *characteristics.*

3 *SEC. 9.2. Section 12955 of the Government Code is*  
4 *amended to read:*

5 12955. It shall be unlawful:

6 (a) For the owner of any housing accommodation to  
7 discriminate against any person because of the race,  
8 color, religion, sex, *sexual orientation*, marital status,  
9 national origin, ancestry, familial status, *source of*  
10 *income*, or disability of that person.

11 (b) For the owner of any housing accommodation to  
12 make or to cause to be made any written or oral inquiry  
13 concerning the race, color, religion, sex, *sexual*  
14 *orientation*, marital status, national origin, ancestry,  
15 familial status, or disability of any person seeking to  
16 purchase, rent or lease any housing accommodation.

17 (c) For any person to make, print, or publish, or cause  
18 to be made, printed, or published any notice, statement,  
19 or advertisement, with respect to the sale or rental of a  
20 housing accommodation that indicates any preference,  
21 limitation, or discrimination based on race, color, religion,  
22 sex, *sexual orientation*, marital status, national origin,  
23 ancestry, familial status, *source of income*, or disability or  
24 an intention to make any such preference, limitation, or  
25 discrimination.

26 (d) For any person subject to the provisions of Section  
27 51 of the Civil Code, as that section applies to housing  
28 accommodations, to discriminate against any person on  
29 the basis of sex, *sexual orientation*, color, race, religion,  
30 ancestry, national origin, familial status, marital status,  
31 disability, *source of income*, or on any other basis  
32 prohibited by that section.

33 (e) For any person, bank, mortgage company or other  
34 financial institution that provides financial assistance for  
35 the purchase, organization, or construction of any  
36 housing accommodation to discriminate against any  
37 person or group of persons because of the race, color,  
38 religion, sex, *sexual orientation*, marital status, national  
39 origin, ancestry, familial status, *source of income*, or



1 disability in the terms, conditions, or privileges relating to  
2 the obtaining or use of that financial assistance.

3 (f) For any owner of housing accommodations to  
4 harass, evict, or otherwise discriminate against any  
5 person in the sale or rental of housing accommodations  
6 when the owner's dominant purpose is retaliation against  
7 a person who has opposed practices unlawful under this  
8 section, informed law enforcement agencies of practices  
9 believed unlawful under this section, has testified or  
10 assisted in any proceeding under this part, or has aided or  
11 encouraged a person to exercise or enjoy the rights  
12 secured by this part. Nothing herein is intended to cause  
13 or permit the delay of an unlawful detainer action.

14 (g) For any person to aid, abet, incite, compel, or  
15 coerce the doing of any of the acts or practices declared  
16 unlawful in this section, or to attempt to do so.

17 (h) For any person, for profit, to induce any person to  
18 sell or rent any dwelling by representations regarding the  
19 entry or prospective entry into the neighborhood of a  
20 person or persons of a particular race, color, religion, sex,  
21 *sexual orientation*, marital status, ancestry, disability,  
22 *source of income*, familial status, or national origin.

23 (i) For any person or other organization or entity  
24 whose business involves real estate-related transactions to  
25 discriminate against any person in making available a  
26 transaction, or in the terms and conditions of a  
27 transaction, because of race, color, religion, sex, *sexual*  
28 *orientation*, marital status, national origin, ancestry,  
29 *source of income*, familial status, or disability.

30 (j) To deny a person access to, or membership or  
31 participation in, a multiple listing service, real estate  
32 brokerage organization, or other service because of race,  
33 color, religion, sex, *sexual orientation*, marital status,  
34 ancestry, disability, familial status, *source of income*, or  
35 national origin.

36 (k) To otherwise make unavailable or deny a dwelling  
37 based on discrimination because of race, color, religion,  
38 sex, *sexual orientation*, familial status, *source of income*,  
39 disability, or national origin.



1 (l) To discriminate through public or private land use  
2 practices, decisions, and authorizations because of race,  
3 color, religion, sex, *sexual orientation*, familial status,  
4 marital status, disability, national origin, *source of*  
5 *income*, or ancestry. Discrimination includes, but is not  
6 limited to, restrictive covenants, zoning laws, denials of  
7 use permits, and other actions authorized under the  
8 Planning and Zoning Law (Title 7 (commencing with  
9 Section 65000)), that make housing opportunities  
10 unavailable.

11 (m) *To use a financial or income standard in the rental*  
12 *of housing that fails to account for the aggregate income*  
13 *of persons residing together or proposing to reside*  
14 *together on the same basis as the aggregate income of*  
15 *married persons residing together or proposing to reside*  
16 *together.*

17 (n) *In instances where there is a government rent*  
18 *subsidy, to use a financial or income standard in assessing*  
19 *eligibility for the rental of housing that is not based on the*  
20 *portion of the rent to be paid by the tenant.*

21 (o) (1) *For the purposes of this section, “source of*  
22 *income” means lawful, verifiable income paid directly to*  
23 *a tenant or paid to a representative of a tenant.*

24 (2) *For the purposes of this section, it shall not*  
25 *constitute discrimination based on source of income to*  
26 *make a written or oral inquiry concerning the level or*  
27 *source of income.*

28 (p) *This section shall remain in effect only until*  
29 *January 1, 2005, and as of that date is repealed, unless a*  
30 *later enacted statute, that is enacted before January 1,*  
31 *2005, deletes or extends that date.*

32 SEC. 9.3. *Section 12955 of the Government Code is*  
33 *amended to read:*

34 12955. It shall be unlawful:

35 (a) For the owner of any housing accommodation to  
36 discriminate against any person because of the race,  
37 color, religion, sex, *sexual orientation*, marital status,  
38 national origin, ancestry, familial status, or disability of  
39 that person.



1 (b) For the owner of any housing accommodation to  
2 make or to cause to be made any written or oral inquiry  
3 concerning the race, color, religion, sex, *sexual*  
4 *orientation*, marital status, national origin, ancestry,  
5 familial status, or disability of any person seeking to  
6 purchase, rent or lease any housing accommodation.

7 (c) For any person to make, print, or publish, or cause  
8 to be made, printed, or published any notice, statement,  
9 or advertisement, with respect to the sale or rental of a  
10 housing accommodation that indicates any preference,  
11 limitation, or discrimination based on race, color, religion,  
12 sex, *sexual orientation*, marital status, national origin,  
13 ancestry, familial status, or disability or an intention to  
14 make any such preference, limitation, or discrimination.

15 (d) For any person subject to the provisions of Section  
16 51 of the Civil Code, as that section applies to housing  
17 accommodations, to discriminate against any person on  
18 the basis of sex, *sexual orientation*, color, race, religion,  
19 ancestry, national origin, familial status, marital status,  
20 disability, or on any other basis prohibited by that section.

21 (e) For any person, bank, mortgage company or other  
22 financial institution that provides financial assistance for  
23 the purchase, organization, or construction of any  
24 housing accommodation to discriminate against any  
25 person or group of persons because of the race, color,  
26 religion, sex, *sexual orientation*, marital status, national  
27 origin, ancestry, familial status, or disability in the terms,  
28 conditions, or privileges relating to the obtaining or use  
29 of that financial assistance.

30 (f) For any owner of housing accommodations to  
31 harass, evict, or otherwise discriminate against any  
32 person in the sale or rental of housing accommodations  
33 when the owner's dominant purpose is retaliation against  
34 a person who has opposed practices unlawful under this  
35 section, informed law enforcement agencies of practices  
36 believed unlawful under this section, has testified or  
37 assisted in any proceeding under this part, or has aided or  
38 encouraged a person to exercise or enjoy the rights  
39 secured by this part. Nothing herein is intended to cause  
40 or permit the delay of an unlawful detainer action.



1 (g) For any person to aid, abet, incite, compel, or  
2 coerce the doing of any of the acts or practices declared  
3 unlawful in this section, or to attempt to do so.

4 (h) For any person, for profit, to induce any person to  
5 sell or rent any dwelling by representations regarding the  
6 entry or prospective entry into the neighborhood of a  
7 person or persons of a particular race, color, religion, sex,  
8 *sexual orientation*, marital status, ancestry, disability,  
9 familial status, or national origin.

10 (i) For any person or other organization or entity  
11 whose business involves real estate-related transactions to  
12 discriminate against any person in making available a  
13 transaction, or in the terms and conditions of a  
14 transaction, because of race, color, religion, sex, *sexual*  
15 *orientation*, marital status, national origin, ancestry,  
16 familial status, or disability.

17 (j) To deny a person access to, or membership or  
18 participation in, a multiple listing service, real estate  
19 brokerage organization, or other service because of race,  
20 color, religion, sex, *sexual orientation*, marital status,  
21 ancestry, disability, familial status, or national origin.

22 (k) To otherwise make unavailable or deny a dwelling  
23 based on discrimination because of race, color, religion,  
24 sex, *sexual orientation*, familial status, disability, or  
25 national origin.

26 (l) To discriminate through public or private land use  
27 practices, decisions, and authorizations because of race,  
28 color, religion, sex, *sexual orientation*, familial status,  
29 marital status, disability, national origin, or ancestry.  
30 Discrimination includes, but is not limited to, restrictive  
31 covenants, zoning laws, denials of use permits, and other  
32 actions authorized under the Planning and Zoning Law  
33 (Title 7 (commencing with Section 65000)), that make  
34 housing opportunities unavailable.

35 *Discrimination under this subdivision also includes the*  
36 *existence of a restrictive covenant, regardless of whether*  
37 *accompanied by a statement that the restrictive covenant*  
38 *is repealed or void. This paragraph shall become*  
39 *operative on January 1, 2001.*



1 SEC. 9.4. Section 12955 of the Government Code is  
2 amended to read:

3 12955. It shall be unlawful:

4 (a) For the owner of any housing accommodation to  
5 discriminate against *or harass* any person because of the  
6 race, color, religion, sex, *sexual orientation*, marital status,  
7 national origin, ancestry, familial status, *source of*  
8 *income*, or disability of that person.

9 (b) For the owner of any housing accommodation to  
10 make or to cause to be made any written or oral inquiry  
11 concerning the race, color, religion, sex, *sexual*  
12 *orientation*, marital status, national origin, ancestry,  
13 familial status, or disability of any person seeking to  
14 purchase, rent or lease any housing accommodation.

15 (c) For any person to make, print, or publish, or cause  
16 to be made, printed, or published any notice, statement,  
17 or advertisement, with respect to the sale or rental of a  
18 housing accommodation that indicates any preference,  
19 limitation, or discrimination based on race, color, religion,  
20 sex, *sexual orientation*, marital status, national origin,  
21 ancestry, familial status, *source of income*, or disability or  
22 an intention to make any such preference, limitation, or  
23 discrimination.

24 (d) For any person subject to the provisions of Section  
25 51 of the Civil Code, as that section applies to housing  
26 accommodations, to discriminate against any person on  
27 the basis of sex, *sexual orientation*, color, race, religion,  
28 ancestry, national origin, familial status, marital status,  
29 disability, *source of income*, or on any other basis  
30 prohibited by that section.

31 (e) For any person, bank, mortgage company or other  
32 financial institution that provides financial assistance for  
33 the purchase, organization, or construction of any  
34 housing accommodation to discriminate against any  
35 person or group of persons because of the race, color,  
36 religion, sex, *sexual orientation*, marital status, national  
37 origin, ancestry, familial status, *source of income*, or  
38 disability in the terms, conditions, or privileges relating to  
39 the obtaining or use of that financial assistance.



1 (f) For any owner of housing accommodations to  
2 harass, evict, or otherwise discriminate against any  
3 person in the sale or rental of housing accommodations  
4 when the owner's dominant purpose is retaliation against  
5 a person who has opposed practices unlawful under this  
6 section, informed law enforcement agencies of practices  
7 believed unlawful under this section, has testified or  
8 assisted in any proceeding under this part, or has aided or  
9 encouraged a person to exercise or enjoy the rights  
10 secured by this part. Nothing herein is intended to cause  
11 or permit the delay of an unlawful detainer action.

12 (g) For any person to aid, abet, incite, compel, or  
13 coerce the doing of any of the acts or practices declared  
14 unlawful in this section, or to attempt to do so.

15 (h) For any person, for profit, to induce any person to  
16 sell or rent any dwelling by representations regarding the  
17 entry or prospective entry into the neighborhood of a  
18 person or persons of a particular race, color, religion, sex,  
19 *sexual orientation*, marital status, ancestry, disability,  
20 *source of income*, familial status, or national origin.

21 (i) For any person or other organization or entity  
22 whose business involves real estate-related transactions to  
23 discriminate against any person in making available a  
24 transaction, or in the terms and conditions of a  
25 transaction, because of race, color, religion, sex, *sexual*  
26 *orientation*, marital status, national origin, ancestry,  
27 *source of income*, familial status, or disability.

28 (j) To deny a person access to, or membership or  
29 participation in, a multiple listing service, real estate  
30 brokerage organization, or other service because of race,  
31 color, religion, sex, *sexual orientation*, marital status,  
32 ancestry, disability, familial status, *source of income*, or  
33 national origin.

34 (k) To otherwise make unavailable or deny a dwelling  
35 based on discrimination because of race, color, religion,  
36 sex, *sexual orientation*, familial status, *source of income*,  
37 disability, or national origin.

38 (l) To discriminate through public or private land use  
39 practices, decisions, and authorizations because of race,  
40 color, religion, sex, *sexual orientation*, familial status,



1 marital status, disability, national origin, *source of*  
2 *income*, or ancestry. Discrimination includes, but is not  
3 limited to, restrictive covenants, zoning laws, denials of  
4 use permits, and other actions authorized under the  
5 Planning and Zoning Law (Title 7 (commencing with  
6 Section 65000)), that make housing opportunities  
7 unavailable.

8 *(m) To use a financial or income standard in the rental*  
9 *of housing that fails to account for the aggregate income*  
10 *of persons residing together or proposing to reside*  
11 *together on the same basis as the aggregate income of*  
12 *married persons residing together or proposing to reside*  
13 *together.*

14 *(n) In instances where there is a government rent*  
15 *subsidy, to use a financial or income standard in assessing*  
16 *eligibility for the rental of housing that is not based on the*  
17 *portion of the rent to be paid by the tenant.*

18 *(o) (1) For the purposes of this section, “source of*  
19 *income” means lawful, verifiable income paid directly to*  
20 *a tenant or paid to a representative of a tenant.*

21 *(2) For the purposes of this section, it shall not*  
22 *constitute discrimination based on source of income to*  
23 *make a written or oral inquiry concerning the level or*  
24 *source of income.*

25 *(p) As used in this section, “race, color, religion, sex,*  
26 *sexual orientation, marital status, national origin,*  
27 *ancestry, familial status, source of income, or disability”*  
28 *includes a perception that the person has any of those*  
29 *characteristics or that the person is associated with a*  
30 *person who has, or is perceived to have, any of those*  
31 *characteristics.*

32 *(q) This section shall remain in effect only until*  
33 *January 1, 2005, and as of that date is repealed, unless a*  
34 *later enacted statute, that is enacted before January 1,*  
35 *2005, deletes or extends that date.*

36 *SEC. 9.5. Section 12955 of the Government Code is*  
37 *amended to read:*

38 12955. It shall be unlawful:

39 (a) For the owner of any housing accommodation to  
40 discriminate against *or harass* any person because of the



1 race, color, religion, sex, *sexual orientation*, marital status,  
2 national origin, ancestry, familial status, or disability of  
3 that person.

4 (b) For the owner of any housing accommodation to  
5 make or to cause to be made any written or oral inquiry  
6 concerning the race, color, religion, sex, *sexual*  
7 *orientation*, marital status, national origin, ancestry,  
8 familial status, or disability of any person seeking to  
9 purchase, rent or lease any housing accommodation.

10 (c) For any person to make, print, or publish, or cause  
11 to be made, printed, or published any notice, statement,  
12 or advertisement, with respect to the sale or rental of a  
13 housing accommodation that indicates any preference,  
14 limitation, or discrimination based on race, color, religion,  
15 sex, *sexual orientation*, marital status, national origin,  
16 ancestry, familial status, or disability or an intention to  
17 make any such preference, limitation, or discrimination.

18 (d) For any person subject to the provisions of Section  
19 51 of the Civil Code, as that section applies to housing  
20 accommodations, to discriminate against any person on  
21 the basis of sex, *sexual orientation*, color, race, religion,  
22 ancestry, national origin, familial status, marital status,  
23 disability, or on any other basis prohibited by that section.

24 (e) For any person, bank, mortgage company or other  
25 financial institution that provides financial assistance for  
26 the purchase, organization, or construction of any  
27 housing accommodation to discriminate against any  
28 person or group of persons because of the race, color,  
29 religion, sex, *sexual orientation*, marital status, national  
30 origin, ancestry, familial status, or disability in the terms,  
31 conditions, or privileges relating to the obtaining or use  
32 of that financial assistance.

33 (f) For any owner of housing accommodations to  
34 harass, evict, or otherwise discriminate against any  
35 person in the sale or rental of housing accommodations  
36 when the owner's dominant purpose is retaliation against  
37 a person who has opposed practices unlawful under this  
38 section, informed law enforcement agencies of practices  
39 believed unlawful under this section, has testified or  
40 assisted in any proceeding under this part, or has aided or



1 encouraged a person to exercise or enjoy the rights  
2 secured by this part. Nothing herein is intended to cause  
3 or permit the delay of an unlawful detainer action.

4 (g) For any person to aid, abet, incite, compel, or  
5 coerce the doing of any of the acts or practices declared  
6 unlawful in this section, or to attempt to do so.

7 (h) For any person, for profit, to induce any person to  
8 sell or rent any dwelling by representations regarding the  
9 entry or prospective entry into the neighborhood of a  
10 person or persons of a particular race, color, religion, sex,  
11 *sexual orientation*, marital status, ancestry, disability,  
12 familial status, or national origin.

13 (i) For any person or other organization or entity  
14 whose business involves real estate-related transactions to  
15 discriminate against any person in making available a  
16 transaction, or in the terms and conditions of a  
17 transaction, because of race, color, religion, sex, *sexual*  
18 *orientation*, marital status, national origin, ancestry,  
19 familial status, or disability.

20 (j) To deny a person access to, or membership or  
21 participation in, a multiple listing service, real estate  
22 brokerage organization, or other service because of race,  
23 color, religion, sex, *sexual orientation*, marital status,  
24 ancestry, disability, familial status, or national origin.

25 (k) To otherwise make unavailable or deny a dwelling  
26 based on discrimination because of race, color, religion,  
27 sex, *sexual orientation*, familial status, disability, or  
28 national origin.

29 (l) To discriminate through public or private land use  
30 practices, decisions, and authorizations because of race,  
31 color, religion, sex, *sexual orientation*, familial status,  
32 marital status, disability, national origin, or ancestry.  
33 Discrimination includes, but is not limited to, restrictive  
34 covenants, zoning laws, denials of use permits, and other  
35 actions authorized under the Planning and Zoning Law  
36 (Title 7 (commencing with Section 65000)), that make  
37 housing opportunities unavailable.

38 *Discrimination under this subdivision also includes the*  
39 *existence of a restrictive covenant, regardless of whether*  
40 *accompanied by a statement that the restrictive covenant*



1 *is repealed or void. This paragraph shall become*  
2 *operative on January 1, 2001.*

3 (m) *As used in this section, “race, color, religion, sex,*  
4 *sexual orientation, marital status, national origin,*  
5 *ancestry, familial status, or disability” includes a*  
6 *perception that the person has any of those*  
7 *characteristics or that the person is associated with a*  
8 *person who has, or is perceived to have, any of those*  
9 *characteristics.*

10 *SEC. 9.6. Section 12955 of the Government Code is*  
11 *amended to read:*

12 12955. It shall be unlawful:

13 (a) For the owner of any housing accommodation to  
14 discriminate against any person because of the race,  
15 color, religion, sex, *sexual orientation*, marital status,  
16 national origin, ancestry, familial status, *source of income*,  
17 or disability of that person.

18 (b) For the owner of any housing accommodation to  
19 make or to cause to be made any written or oral inquiry  
20 concerning the race, color, religion, sex, *sexual*  
21 *orientation*, marital status, national origin, ancestry,  
22 familial status, or disability of any person seeking to  
23 purchase, rent or lease any housing accommodation.

24 (c) For any person to make, print, or publish, or cause  
25 to be made, printed, or published any notice, statement,  
26 or advertisement, with respect to the sale or rental of a  
27 housing accommodation that indicates any preference,  
28 limitation, or discrimination based on race, color, religion,  
29 sex, *sexual orientation*, marital status, national origin,  
30 ancestry, familial status, *source of income*, or disability or  
31 an intention to make any such preference, limitation, or  
32 discrimination.

33 (d) For any person subject to the provisions of Section  
34 51 of the Civil Code, as that section applies to housing  
35 accommodations, to discriminate against any person on  
36 the basis of sex, *sexual orientation*, color, race, religion,  
37 ancestry, national origin, familial status, marital status,  
38 disability, *source of income*, or on any other basis  
39 prohibited by that section.



1 (e) For any person, bank, mortgage company or other  
2 financial institution that provides financial assistance for  
3 the purchase, organization, or construction of any  
4 housing accommodation to discriminate against any  
5 person or group of persons because of the race, color,  
6 religion, sex, *sexual orientation*, marital status, national  
7 origin, ancestry, familial status, *source of income*, or  
8 disability in the terms, conditions, or privileges relating to  
9 the obtaining or use of that financial assistance.

10 (f) For any owner of housing accommodations to  
11 harass, evict, or otherwise discriminate against any  
12 person in the sale or rental of housing accommodations  
13 when the owner's dominant purpose is retaliation against  
14 a person who has opposed practices unlawful under this  
15 section, informed law enforcement agencies of practices  
16 believed unlawful under this section, has testified or  
17 assisted in any proceeding under this part, or has aided or  
18 encouraged a person to exercise or enjoy the rights  
19 secured by this part. Nothing herein is intended to cause  
20 or permit the delay of an unlawful detainer action.

21 (g) For any person to aid, abet, incite, compel, or  
22 coerce the doing of any of the acts or practices declared  
23 unlawful in this section, or to attempt to do so.

24 (h) For any person, for profit, to induce any person to  
25 sell or rent any dwelling by representations regarding the  
26 entry or prospective entry into the neighborhood of a  
27 person or persons of a particular race, color, religion, sex,  
28 *sexual orientation*, marital status, ancestry, disability,  
29 *source of income*, familial status, or national origin.

30 (i) For any person or other organization or entity  
31 whose business involves real estate-related transactions to  
32 discriminate against any person in making available a  
33 transaction, or in the terms and conditions of a  
34 transaction, because of race, color, religion, sex, *sexual*  
35 *orientation*, marital status, national origin, ancestry,  
36 *source of income*, familial status, or disability.

37 (j) To deny a person access to, or membership or  
38 participation in, a multiple listing service, real estate  
39 brokerage organization, or other service because of race,  
40 color, religion, sex, *sexual orientation*, marital status,



1 ancestry, disability, familial status, *source of income*, or  
2 national origin.

3 (k) To otherwise make unavailable or deny a dwelling  
4 based on discrimination because of race, color, religion,  
5 sex, *sexual orientation*, familial status, *source of income*,  
6 disability, or national origin.

7 (l) To discriminate through public or private land use  
8 practices, decisions, and authorizations because of race,  
9 color, religion, sex, *sexual orientation*, familial status,  
10 marital status, disability, national origin, *source of*  
11 *income*, or ancestry. Discrimination includes, but is not  
12 limited to, restrictive covenants, zoning laws, denials of  
13 use permits, and other actions authorized under the  
14 Planning and Zoning Law (Title 7 (commencing with  
15 Section 65000)), that make housing opportunities  
16 unavailable.

17 *Discrimination under this subdivision also includes the*  
18 *existence of a restrictive covenant, regardless of whether*  
19 *accompanied by a statement that the restrictive covenant*  
20 *is repealed or void. This paragraph shall become*  
21 *operative on January 1, 2001.*

22 (m) *To use a financial or income standard in the rental*  
23 *of housing that fails to account for the aggregate income*  
24 *of persons residing together or proposing to reside*  
25 *together on the same basis as the aggregate income of*  
26 *married persons residing together or proposing to reside*  
27 *together.*

28 (n) *In instances where there is a government rent*  
29 *subsidy, to use a financial or income standard in assessing*  
30 *eligibility for the rental of housing that is not based on the*  
31 *portion of the rent to be paid by the tenant.*

32 (o) (1) *For the purposes of this section, “source of*  
33 *income” means lawful, verifiable income paid directly to*  
34 *a tenant or paid to a representative of a tenant.*

35 (2) *For the purposes of this section, it shall not*  
36 *constitute discrimination based on source of income to*  
37 *make a written or oral inquiry concerning the level or*  
38 *source of income.*

39 (p) *This section shall remain in effect only until*  
40 *January 1, 2005, and as of that date is repealed, unless a*



1 *later enacted statute, that is enacted before January 1,*  
2 *2005, deletes or extends that date.*

3 *SEC. 9.7. Section 12955 of the Government Code is*  
4 *amended to read:*

5 12955. It shall be unlawful:

6 (a) For the owner of any housing accommodation to  
7 discriminate against *or harass* any person because of the  
8 race, color, religion, sex, *sexual orientation*, marital status,  
9 national origin, ancestry, familial status, *source of*  
10 *income*, or disability of that person.

11 (b) For the owner of any housing accommodation to  
12 make or to cause to be made any written or oral inquiry  
13 concerning the race, color, religion, sex, *sexual*  
14 *orientation*, marital status, national origin, ancestry,  
15 familial status, or disability of any person seeking to  
16 purchase, rent or lease any housing accommodation.

17 (c) For any person to make, print, or publish, or cause  
18 to be made, printed, or published any notice, statement,  
19 or advertisement, with respect to the sale or rental of a  
20 housing accommodation that indicates any preference,  
21 limitation, or discrimination based on race, color, religion,  
22 sex, *sexual orientation*, marital status, national origin,  
23 ancestry, familial status, *source of income*, or disability or  
24 an intention to make any such preference, limitation, or  
25 discrimination.

26 (d) For any person subject to the provisions of Section  
27 51 of the Civil Code, as that section applies to housing  
28 accommodations, to discriminate against any person on  
29 the basis of sex, *sexual orientation*, color, race, religion,  
30 ancestry, national origin, familial status, marital status,  
31 disability, *source of income*, or on any other basis  
32 prohibited by that section.

33 (e) For any person, bank, mortgage company or other  
34 financial institution that provides financial assistance for  
35 the purchase, organization, or construction of any  
36 housing accommodation to discriminate against any  
37 person or group of persons because of the race, color,  
38 religion, sex, *sexual orientation*, marital status, national  
39 origin, ancestry, familial status, *source of income*, or



1 disability in the terms, conditions, or privileges relating to  
2 the obtaining or use of that financial assistance.

3 (f) For any owner of housing accommodations to  
4 harass, evict, or otherwise discriminate against any  
5 person in the sale or rental of housing accommodations  
6 when the owner's dominant purpose is retaliation against  
7 a person who has opposed practices unlawful under this  
8 section, informed law enforcement agencies of practices  
9 believed unlawful under this section, has testified or  
10 assisted in any proceeding under this part, or has aided or  
11 encouraged a person to exercise or enjoy the rights  
12 secured by this part. Nothing herein is intended to cause  
13 or permit the delay of an unlawful detainer action.

14 (g) For any person to aid, abet, incite, compel, or  
15 coerce the doing of any of the acts or practices declared  
16 unlawful in this section, or to attempt to do so.

17 (h) For any person, for profit, to induce any person to  
18 sell or rent any dwelling by representations regarding the  
19 entry or prospective entry into the neighborhood of a  
20 person or persons of a particular race, color, religion, sex,  
21 *sexual orientation*, marital status, ancestry, disability,  
22 *source of income*, familial status, or national origin.

23 (i) For any person or other organization or entity  
24 whose business involves real estate-related transactions to  
25 discriminate against any person in making available a  
26 transaction, or in the terms and conditions of a  
27 transaction, because of race, color, religion, sex, *sexual*  
28 *orientation*, marital status, national origin, ancestry,  
29 *source of income*, familial status, or disability.

30 (j) To deny a person access to, or membership or  
31 participation in, a multiple listing service, real estate  
32 brokerage organization, or other service because of race,  
33 color, religion, sex, *sexual orientation*, marital status,  
34 ancestry, disability, familial status, *source of income*, or  
35 national origin.

36 (k) To otherwise make unavailable or deny a dwelling  
37 based on discrimination because of race, color, religion,  
38 sex, *sexual orientation*, familial status, *source of income*,  
39 disability, or national origin.



1 (l) To discriminate through public or private land use  
2 practices, decisions, and authorizations because of race,  
3 color, religion, sex, *sexual orientation*, familial status,  
4 marital status, disability, national origin, *source of*  
5 *income*, or ancestry. Discrimination includes, but is not  
6 limited to, restrictive covenants, zoning laws, denials of  
7 use permits, and other actions authorized under the  
8 Planning and Zoning Law (Title 7 (commencing with  
9 Section 65000)), that make housing opportunities  
10 unavailable.

11 *Discrimination under this subdivision also includes the*  
12 *existence of a restrictive covenant, regardless of whether*  
13 *accompanied by a statement that the restrictive covenant*  
14 *is repealed or void. This paragraph shall become*  
15 *operative on January 1, 2001.*

16 (m) As used in this section, “race, color, religion, sex,  
17 *sexual orientation, marital status, national origin,*  
18 *ancestry, familial status, source of income, or disability*”  
19 *includes a perception that the person has any of those*  
20 *characteristics or that the person is associated with a*  
21 *person who has, or is perceived to have, any of those*  
22 *characteristics.*

23 (n) To use a financial or income standard in the rental  
24 of housing that fails to account for the aggregate income  
25 of persons residing together or proposing to reside  
26 together on the same basis as the aggregate income of  
27 married persons residing together or proposing to reside  
28 together.

29 (o) In instances where there is a government rent  
30 subsidy, to use a financial or income standard in assessing  
31 eligibility for the rental of housing that is not based on the  
32 portion of the rent to be paid by the tenant.

33 (p) (1) For the purposes of this section, “source of  
34 income” means lawful, verifiable income paid directly to  
35 a tenant or paid to a representative of a tenant.

36 (2) For the purposes of this section, it shall not  
37 constitute discrimination based on source of income to  
38 make a written or oral inquiry concerning the level or  
39 source of income.



1 (q) This section shall remain in effect only until  
2 January 1, 2005, and as of that date is repealed, unless a  
3 later enacted statute, that is enacted before January 1,  
4 2005, deletes or extends that date.

5 SEC. 9.8. Section 12955 is added to the Government  
6 Code, to read:

7 12955. It shall be unlawful:

8 (a) For the owner of any housing accommodation to  
9 discriminate against any person because of the race,  
10 color, religion, sex, sexual orientation, marital status,  
11 national origin, ancestry, familial status, or disability of  
12 that person.

13 (b) For the owner of any housing accommodation to  
14 make or to cause to be made any written or oral inquiry  
15 concerning the race, color, religion, sex, sexual  
16 orientation, marital status, national origin, ancestry,  
17 familial status, or disability of any person seeking to  
18 purchase, rent or lease any housing accommodation.

19 (c) For any person to make, print, or publish, or cause  
20 to be made, printed, or published any notice, statement,  
21 or advertisement, with respect to the sale or rental of a  
22 housing accommodation that indicates any preference,  
23 limitation, or discrimination based on race, color, religion,  
24 sex, sexual orientation, marital status, national origin,  
25 ancestry, familial status, or disability or an intention to  
26 make any such preference, limitation, or discrimination.

27 (d) For any person subject to the provisions of Section  
28 51 of the Civil Code, as that section applies to housing  
29 accommodations, to discriminate against any person on  
30 the basis of sex, sexual orientation, color, race, religion,  
31 ancestry, national origin, familial status, marital status,  
32 disability, or on any other basis prohibited by that section.

33 (e) For any person, bank, mortgage company or other  
34 financial institution that provides financial assistance for  
35 the purchase, organization, or construction of any  
36 housing accommodation to discriminate against any  
37 person or group of persons because of the race, color,  
38 religion, sex, sexual orientation, marital status, national  
39 origin, ancestry, familial status, or disability in the terms,



1 conditions, or privileges relating to the obtaining or use  
2 of that financial assistance.

3 (f) For any owner of housing accommodations to  
4 harass, evict, or otherwise discriminate against any  
5 person in the sale or rental of housing accommodations  
6 when the owner's dominant purpose is retaliation against  
7 a person who has opposed practices unlawful under this  
8 section, informed law enforcement agencies of practices  
9 believed unlawful under this section, has testified or  
10 assisted in any proceeding under this part, or has aided or  
11 encouraged a person to exercise or enjoy the rights  
12 secured by this part. Nothing herein is intended to cause  
13 or permit the delay of an unlawful detainer action.

14 (g) For any person to aid, abet, incite, compel, or  
15 coerce the doing of any of the acts or practices declared  
16 unlawful in this section, or to attempt to do so.

17 (h) For any person, for profit, to induce any person to  
18 sell or rent any dwelling by representations regarding the  
19 entry or prospective entry into the neighborhood of a  
20 person or persons of a particular race, color, religion, sex,  
21 sexual orientation, marital status, ancestry, disability,  
22 familial status, or national origin.

23 (i) For any person or other organization or entity  
24 whose business involves real estate-related transactions to  
25 discriminate against any person in making available a  
26 transaction, or in the terms and conditions of a  
27 transaction, because of race, color, religion, sex, sexual  
28 orientation, marital status, national origin, ancestry,  
29 familial status, or disability.

30 (j) To deny a person access to, or membership or  
31 participation in, a multiple listing service, real estate  
32 brokerage organization, or other service because of race,  
33 color, religion, sex, sexual orientation, marital status,  
34 ancestry, disability, familial status, or national origin.

35 (k) To otherwise make unavailable or deny a dwelling  
36 based on discrimination because of race, color, religion,  
37 sex, sexual orientation, familial status, disability, or  
38 national origin.

39 (l) To discriminate through public or private land use  
40 practices, decisions, and authorizations because of race,



1 color, religion, sex, sexual orientation, familial status,  
2 marital status, disability, national origin, or ancestry.  
3 Discrimination includes, but is not limited to, restrictive  
4 covenants, zoning laws, denials of use permits, and other  
5 actions authorized under the Planning and Zoning Law  
6 (Title 7 (commencing with Section 65000)), that make  
7 housing opportunities unavailable.

8 (m) This section shall become operative on January 1,  
9 2005.

10 SEC. 9.81. Section 12955 is added to the Government  
11 Code, to read:

12 12955. It shall be unlawful:

13 (a) For the owner of any housing accommodation to  
14 discriminate against or harass any person because of the  
15 race, color, religion, sex, sexual orientation, marital status,  
16 national origin, ancestry, familial status, or disability of  
17 that person.

18 (b) For the owner of any housing accommodation to  
19 make or to cause to be made any written or oral inquiry  
20 concerning the race, color, religion, sex, sexual  
21 orientation, marital status, national origin, ancestry,  
22 familial status, or disability of any person seeking to  
23 purchase, rent or lease any housing accommodation.

24 (c) For any person to make, print, or publish, or cause  
25 to be made, printed, or published any notice, statement,  
26 or advertisement, with respect to the sale or rental of a  
27 housing accommodation that indicates any preference,  
28 limitation, or discrimination based on race, color, religion,  
29 sex, sexual orientation, marital status, national origin,  
30 ancestry, familial status, or disability or an intention to  
31 make any such preference, limitation, or discrimination.

32 (d) For any person subject to the provisions of Section  
33 51 of the Civil Code, as that section applies to housing  
34 accommodations, to discriminate against any person on  
35 the basis of sex, sexual orientation, color, race, religion,  
36 ancestry, national origin, familial status, marital status,  
37 disability, or on any other basis prohibited by that section.

38 (e) For any person, bank, mortgage company or other  
39 financial institution that provides financial assistance for  
40 the purchase, organization, or construction of any



1 housing accommodation to discriminate against any  
2 person or group of persons because of the race, color,  
3 religion, sex, sexual orientation, marital status, national  
4 origin, ancestry, familial status, or disability in the terms,  
5 conditions, or privileges relating to the obtaining or use  
6 of that financial assistance.

7 (f) For any owner of housing accommodations to  
8 harass, evict, or otherwise discriminate against any  
9 person in the sale or rental of housing accommodations  
10 when the owner's dominant purpose is retaliation against  
11 a person who has opposed practices unlawful under this  
12 section, informed law enforcement agencies of practices  
13 believed unlawful under this section, has testified or  
14 assisted in any proceeding under this part, or has aided or  
15 encouraged a person to exercise or enjoy the rights  
16 secured by this part. Nothing herein is intended to cause  
17 or permit the delay of an unlawful detainer action.

18 (g) For any person to aid, abet, incite, compel, or  
19 coerce the doing of any of the acts or practices declared  
20 unlawful in this section, or to attempt to do so.

21 (h) For any person, for profit, to induce any person to  
22 sell or rent any dwelling by representations regarding the  
23 entry or prospective entry into the neighborhood of a  
24 person or persons of a particular race, color, religion, sex,  
25 sexual orientation, marital status, ancestry, disability,  
26 familial status, or national origin.

27 (i) For any person or other organization or entity  
28 whose business involves real estate-related transactions to  
29 discriminate against any person in making available a  
30 transaction, or in the terms and conditions of a  
31 transaction, because of race, color, religion, sex, sexual  
32 orientation, marital status, national origin, ancestry,  
33 familial status, or disability.

34 (j) To deny a person access to, or membership or  
35 participation in, a multiple listing service, real estate  
36 brokerage organization, or other service because of race,  
37 color, religion, sex, sexual orientation, marital status,  
38 ancestry, disability, familial status, or national origin.

39 (k) To otherwise make unavailable or deny a dwelling  
40 based on discrimination because of race, color, religion,



1 sex, sexual orientation, familial status, disability, or  
2 national origin.

3 (l) To discriminate through public or private land use  
4 practices, decisions, and authorizations because of race,  
5 color, religion, sex, sexual orientation, familial status,  
6 marital status, disability, national origin, or ancestry.  
7 Discrimination includes, but is not limited to, restrictive  
8 covenants, zoning laws, denials of use permits, and other  
9 actions authorized under the Planning and Zoning Law  
10 (Title 7 (commencing with Section 65000)), that make  
11 housing opportunities unavailable.

12 (m) As used in this section, “race, color, religion, sex,  
13 sexual orientation, marital status, national origin,  
14 ancestry, familial status, or disability” includes a  
15 perception that the person has any of those  
16 characteristics or that the person is associated with a  
17 person who has, or is perceived to have, any of those  
18 characteristics.

19 (n) This section shall become operative on January 1,  
20 2005.

21 SEC. 9.82. Section 12955 is added to the Government  
22 Code, to read:

23 12955. It shall be unlawful:

24 (a) For the owner of any housing accommodation to  
25 discriminate against any person because of the race,  
26 color, religion, sex, sexual orientation, marital status,  
27 national origin, ancestry, familial status, or disability of  
28 that person.

29 (b) For the owner of any housing accommodation to  
30 make or to cause to be made any written or oral inquiry  
31 concerning the race, color, religion, sex, sexual  
32 orientation, marital status, national origin, ancestry,  
33 familial status, or disability of any person seeking to  
34 purchase, rent or lease any housing accommodation.

35 (c) For any person to make, print, or publish, or cause  
36 to be made, printed, or published any notice, statement,  
37 or advertisement, with respect to the sale or rental of a  
38 housing accommodation that indicates any preference,  
39 limitation, or discrimination based on race, color, religion,  
40 sex, sexual orientation, marital status, national origin,



1 ancestry, familial status, or disability or an intention to  
2 make any such preference, limitation, or discrimination.

3 (d) For any person subject to the provisions of Section  
4 51 of the Civil Code, as that section applies to housing  
5 accommodations, to discriminate against any person on  
6 the basis of sex, sexual orientation, color, race, religion,  
7 ancestry, national origin, familial status, marital status,  
8 disability, or on any other basis prohibited by that section.

9 (e) For any person, bank, mortgage company or other  
10 financial institution that provides financial assistance for  
11 the purchase, organization, or construction of any  
12 housing accommodation to discriminate against any  
13 person or group of persons because of the race, color,  
14 religion, sex, sexual orientation, marital status, national  
15 origin, ancestry, familial status, or disability in the terms,  
16 conditions, or privileges relating to the obtaining or use  
17 of that financial assistance.

18 (f) For any owner of housing accommodations to  
19 harass, evict, or otherwise discriminate against any  
20 person in the sale or rental of housing accommodations  
21 when the owner's dominant purpose is retaliation against  
22 a person who has opposed practices unlawful under this  
23 section, informed law enforcement agencies of practices  
24 believed unlawful under this section, has testified or  
25 assisted in any proceeding under this part, or has aided or  
26 encouraged a person to exercise or enjoy the rights  
27 secured by this part. Nothing herein is intended to cause  
28 or permit the delay of an unlawful detainer action.

29 (g) For any person to aid, abet, incite, compel, or  
30 coerce the doing of any of the acts or practices declared  
31 unlawful in this section, or to attempt to do so.

32 (h) For any person, for profit, to induce any person to  
33 sell or rent any dwelling by representations regarding the  
34 entry or prospective entry into the neighborhood of a  
35 person or persons of a particular race, color, religion, sex,  
36 sexual orientation, marital status, ancestry, disability,  
37 familial status, or national origin.

38 (i) For any person or other organization or entity  
39 whose business involves real estate-related transactions to  
40 discriminate against any person in making available a



1 transaction, or in the terms and conditions of a  
2 transaction, because of race, color, religion, sex, sexual  
3 orientation, marital status, national origin, ancestry,  
4 familial status, or disability.

5 (j) To deny a person access to, or membership or  
6 participation in, a multiple listing service, real estate  
7 brokerage organization, or other service because of race,  
8 color, religion, sex, sexual orientation, marital status,  
9 ancestry, disability, familial status, or national origin.

10 (k) To otherwise make unavailable or deny a dwelling  
11 based on discrimination because of race, color, religion,  
12 sex, sexual orientation, familial status, disability, or  
13 national origin.

14 (l) To discriminate through public or private land use  
15 practices, decisions, and authorizations because of race,  
16 color, religion, sex, sexual orientation, familial status,  
17 marital status, disability, national origin, or ancestry.  
18 Discrimination includes, but is not limited to, restrictive  
19 covenants, zoning laws, denials of use permits, and other  
20 actions authorized under the Planning and Zoning Law  
21 (Title 7 (commencing with Section 65000)), that make  
22 housing opportunities unavailable.

23 Discrimination under this subdivision also includes the  
24 existence of a restrictive covenant, regardless of whether  
25 accompanied by a statement that the restrictive covenant  
26 is repealed or void. This paragraph shall become  
27 operative on January 1, 2001.

28 (m) This section shall become operative on January 1,  
29 2005.

30 SEC. 9.83. Section 12955 is added to the Government  
31 Code, to read:

32 12955. It shall be unlawful:

33 (a) For the owner of any housing accommodation to  
34 discriminate against or harass any person because of the  
35 race, color, religion, sex, sexual orientation, marital status,  
36 national origin, ancestry, familial status, or disability of  
37 that person.

38 (b) For the owner of any housing accommodation to  
39 make or to cause to be made any written or oral inquiry  
40 concerning the race, color, religion, sex, sexual



1 orientation, marital status, national origin, ancestry,  
2 familial status, or disability of any person seeking to  
3 purchase, rent or lease any housing accommodation.

4 (c) For any person to make, print, or publish, or cause  
5 to be made, printed, or published any notice, statement,  
6 or advertisement, with respect to the sale or rental of a  
7 housing accommodation that indicates any preference,  
8 limitation, or discrimination based on race, color, religion,  
9 sex, sexual orientation, marital status, national origin,  
10 ancestry, familial status, or disability or an intention to  
11 make any such preference, limitation, or discrimination.

12 (d) For any person subject to the provisions of Section  
13 51 of the Civil Code, as that section applies to housing  
14 accommodations, to discriminate against any person on  
15 the basis of sex, sexual orientation, color, race, religion,  
16 ancestry, national origin, familial status, marital status,  
17 disability, or on any other basis prohibited by that section.

18 (e) For any person, bank, mortgage company or other  
19 financial institution that provides financial assistance for  
20 the purchase, organization, or construction of any  
21 housing accommodation to discriminate against any  
22 person or group of persons because of the race, color,  
23 religion, sex, sexual orientation, marital status, national  
24 origin, ancestry, familial status, or disability in the terms,  
25 conditions, or privileges relating to the obtaining or use  
26 of that financial assistance.

27 (f) For any owner of housing accommodations to  
28 harass, evict, or otherwise discriminate against any  
29 person in the sale or rental of housing accommodations  
30 when the owner's dominant purpose is retaliation against  
31 a person who has opposed practices unlawful under this  
32 section, informed law enforcement agencies of practices  
33 believed unlawful under this section, has testified or  
34 assisted in any proceeding under this part, or has aided or  
35 encouraged a person to exercise or enjoy the rights  
36 secured by this part. Nothing herein is intended to cause  
37 or permit the delay of an unlawful detainer action.

38 (g) For any person to aid, abet, incite, compel, or  
39 coerce the doing of any of the acts or practices declared  
40 unlawful in this section, or to attempt to do so.



1 (h) For any person, for profit, to induce any person to  
2 sell or rent any dwelling by representations regarding the  
3 entry or prospective entry into the neighborhood of a  
4 person or persons of a particular race, color, religion, sex,  
5 sexual orientation, marital status, ancestry, disability,  
6 familial status, or national origin.

7 (i) For any person or other organization or entity  
8 whose business involves real estate-related transactions to  
9 discriminate against any person in making available a  
10 transaction, or in the terms and conditions of a  
11 transaction, because of race, color, religion, sex, sexual  
12 orientation, marital status, national origin, ancestry,  
13 familial status, or disability.

14 (j) To deny a person access to, or membership or  
15 participation in, a multiple listing service, real estate  
16 brokerage organization, or other service because of race,  
17 color, religion, sex, sexual orientation, marital status,  
18 ancestry, disability, familial status, or national origin.

19 (k) To otherwise make unavailable or deny a dwelling  
20 based on discrimination because of race, color, religion,  
21 sex, sexual orientation, familial status, disability, or  
22 national origin.

23 (l) To discriminate through public or private land use  
24 practices, decisions, and authorizations because of race,  
25 color, religion, sex, sexual orientation, familial status,  
26 marital status, disability, national origin, or ancestry.  
27 Discrimination includes, but is not limited to, restrictive  
28 covenants, zoning laws, denials of use permits, and other  
29 actions authorized under the Planning and Zoning Law  
30 (Title 7 (commencing with Section 65000)), that make  
31 housing opportunities unavailable.

32 Discrimination under this subdivision also includes the  
33 existence of a restrictive covenant, regardless of whether  
34 accompanied by a statement that the restrictive covenant  
35 is repealed or void. This paragraph shall become  
36 operative on January 1, 2001.

37 (m) As used in this section, “race, color, religion, sex,  
38 sexual orientation, marital status, national origin,  
39 ancestry, familial status, or disability” includes a  
40 perception that the person has any of those



1 *characteristics or that the person is associated with a*  
2 *person who has, or is perceived to have, any of those*  
3 *characteristics.*

4 *(n) This section shall become operative on January 1,*  
5 *2005.*

6 SEC. 10. Section 12955.8 of the Government Code is  
7 amended to read:

8 12955.8. For purposes of this article, in connection  
9 with unlawful practices:

10 (a) Proof of an intentional violation of this article  
11 includes, but is not limited to, an act or failure to act that  
12 is otherwise covered by this part, that demonstrates an  
13 intent to discriminate in any manner in violation of this  
14 part. A person intends to discriminate if race, color,  
15 religion, sex, sexual orientation, familial status, marital  
16 status, disability, national origin, or ancestry is a  
17 motivating factor in committing a discriminatory housing  
18 practice even though other factors may have also  
19 motivated the practice. An intent to discriminate may be  
20 established by direct or circumstantial evidence.

21 (b) Proof of a violation causing a discriminatory effect  
22 is shown if an act or failure to act that is otherwise covered  
23 by this part, and that has the effect, regardless of intent,  
24 of unlawfully discriminating on the basis of race, color,  
25 religion, sex, sexual orientation, familial status, marital  
26 status, disability, national origin, or ancestry. A business  
27 establishment whose action or inaction has an  
28 unintended discriminatory effect shall not be considered  
29 to have committed an unlawful housing practice in  
30 violation of this part if the business establishment can  
31 establish that the action or inaction is necessary to the  
32 operation of the business and effectively carries out the  
33 significant business need it is alleged to serve. In cases  
34 that do not involve a business establishment, the person  
35 whose action or inaction has an unintended  
36 discriminatory effect shall not be considered to have  
37 committed an unlawful housing practice in violation of  
38 this part if the person can establish that the action or  
39 inaction is necessary to achieve an important purpose  
40 sufficiently compelling to override the discriminatory



1 effect and effectively carries out the purpose it is alleged  
2 to serve.

3 (1) Any determination of a violation pursuant to this  
4 subdivision shall consider whether or not there are  
5 feasible alternatives that would equally well or better  
6 accomplish the purpose advanced with a less  
7 discriminatory effect.

8 (2) For purposes of this subdivision, the term “business  
9 establishment” shall have the same meaning as in Section  
10 51 of the Civil Code.

11 SEC. 11. Section 12993 of the Government Code is  
12 amended to read:

13 12993. (a) The provisions of this part shall be  
14 construed liberally for the accomplishment of the  
15 purposes of this part. Nothing contained in this part shall  
16 be deemed to repeal any of the provisions of the Civil  
17 Rights Law or of any other law of this state relating to  
18 discrimination because of race, religious creed, color,  
19 national origin, ancestry, physical disability, mental  
20 disability, medical condition, marital status, sex, age, or  
21 sexual orientation, unless those provisions provide less  
22 protection to the enumerated classes of persons covered  
23 under this part.

24 (b) Nothing contained in this part relating to  
25 discrimination in employment on account of sex or  
26 medical condition shall be deemed to affect the operation  
27 of the terms or conditions of any bona fide retirement,  
28 pension, employee benefit, or insurance plan, provided  
29 the terms or conditions are in accordance with customary  
30 and reasonable or actuarially sound underwriting  
31 practices.

32 (c) While it is the intention of the Legislature to  
33 occupy the field of regulation of discrimination in  
34 employment and housing encompassed by the provisions  
35 of this part, exclusive of all other laws banning  
36 discrimination in employment and housing by any city,  
37 city and county, county, or other political subdivision of  
38 the state, nothing contained in this part shall be  
39 construed, in any manner or way, to limit or restrict the  
40 application of Section 51 of the Civil Code.



1 SEC. 12. Section 1102.1 of the Labor Code is repealed.

2 SEC. 13. Section 2.5 of this bill incorporates  
3 amendments to Section 12921 of the Government Code  
4 proposed by both this bill and AB 1670. It shall only  
5 become operative if (1) both bills are enacted and  
6 become effective on or before January 1, 2000, (2) each  
7 bill amends Section 12921 of the Government Code, and  
8 (3) this bill is enacted after AB 1670, in which case Section  
9 2 of this bill shall not become operative.

10 SEC. 14. (a) Section 3.5 of this bill incorporates  
11 amendments to Section 12926 of the Government Code  
12 proposed by both this bill and AB 1670. It shall only  
13 become operative if (1) both bills are enacted and  
14 become effective on or before January 1, 2000, (2) each  
15 bill amends Section 12926 of the Government Code, (3)  
16 SB 1185 is not enacted or as enacted does not amend that  
17 section, and (4) this bill is enacted after AB 1670, in which  
18 case Sections 3, 3.6, and 3.7 of this bill shall not become  
19 operative.

20 (b) Section 3.6 of this bill incorporates amendments to  
21 Section 12926 of the Government Code proposed by both  
22 this bill and SB 1185. It shall only become operative if (1)  
23 both bills are enacted and become effective on or before  
24 January 1, 2000, (2) each bill amends Section 12926 of the  
25 Government Code, (3) AB 1670 is not enacted or as  
26 enacted does not amend that section, and (4) this bill is  
27 enacted after SB 1185, in which case Sections 3, 3.5, and  
28 3.7 of this bill shall not become operative.

29 (c) Section 3.7 of this bill incorporates amendments to  
30 Section 12926 of the Government Code proposed by this  
31 bill, AB 1670, and SB 1185. It shall only become operative  
32 if (1) all three bills are enacted and become effective on  
33 or before January 1, 2000, (2) all three bills amend Section  
34 12926 of the Government Code, and (3) this bill is  
35 enacted after AB 1670 and SB 1185, in which case Sections  
36 3, 3.5, and 3.6 of this bill shall not become operative.

37 SEC. 15. Section 4.5 of this bill incorporates  
38 amendments to Section 12930 of the Government Code  
39 proposed by both this bill and AB 1670. It shall only  
40 become operative if (1) both bills are enacted and



1 *become effective on or before January 1, 2000, (2) each*  
2 *bill amends Section 12930 of the Government Code, and*  
3 *(3) this bill is enacted after AB 1670, in which case Section*  
4 *4 of this bill shall not become operative.*

5 *SEC. 16. Section 7.5 of this bill incorporates*  
6 *amendments to Section 12940 of the Government Code*  
7 *proposed by both this bill and AB 1670. It shall only*  
8 *become operative if (1) both bills are enacted and*  
9 *become effective on or before January 1, 2000, (2) each*  
10 *bill amends Section 12940 of the Government Code, and*  
11 *(3) this bill is enacted after AB 1670, in which case Section*  
12 *7 of this bill shall not become operative.*

13 *SEC. 17. (a) Section 9.1 of this bill incorporates*  
14 *amendments to Section 12955 of the Government Code*  
15 *proposed by both this bill and AB 1670. It shall only*  
16 *become operative if (1) both bills are enacted and*  
17 *become effective on or before January 1, 2000, (2) each*  
18 *bill amends Section 12955 of the Government Code, (3)*  
19 *SB 1098 and SB 1148 are not enacted or as enacted do not*  
20 *amend that section, and (4) this bill is enacted after AB*  
21 *1670, in which case Sections 9, 9.2, 9.3, 9.4, 9.5, 9.6, 9.7, 9.8,*  
22 *9.81, 9.82, and 9.83 of this bill shall not become operative.*

23 *(b) Sections 9.2 and 9.8 of this bill incorporate*  
24 *amendments to Section 12955 of the Government Code*  
25 *proposed by both this bill and SB 1098. They shall only*  
26 *become operative if (1) both bills are enacted and*  
27 *become effective on or before January 1, 2000, (2) each*  
28 *bill amends Section 12955 of the Government Code, (3)*  
29 *AB 1670 and SB 1148 are not enacted or as enacted do not*  
30 *amend that section, and (4) this bill is enacted after SB*  
31 *1098, in which case Sections 9, 9.1, 9.3, 9.4, 9.5, 9.6, 9.7, 9.81,*  
32 *9.82, and 9.83 of this bill shall not become operative.*

33 *(c) Section 9.3 of this bill incorporates amendments to*  
34 *Section 12955 of the Government Code proposed by both*  
35 *this bill and SB 1148. It shall only become operative if (1)*  
36 *both bills are enacted and become effective on or before*  
37 *January 1, 2000, (2) each bill amends Section 12955 of the*  
38 *Government Code, (3) AB 1670 and SB 1098 are not*  
39 *enacted or as enacted do not amend that section, and (4)*  
40 *this bill is enacted after SB 1148, in which case Sections 9,*



1 9.1, 9.2, 9.4, 9.5, 9.6, 9.7, 9.8, 9.81, 9.82, and 9.83 of this bill  
2 shall not become operative.

3 (d) Sections 9.4 and 9.81 of this bill incorporate  
4 amendments to Section 12955 of the Government Code  
5 proposed by this bill, AB 1670, and SB 1098. It shall only  
6 become operative if (1) all three bills are enacted and  
7 become effective on or before January 1, 2000, (2) each  
8 bill amends Section 12955 of the Government Code, (3)  
9 SB 1148 is not enacted or as enacted does not amend that  
10 section, and (4) this bill is enacted after AB 1670 and SB  
11 1098, in which case Sections 9, 9.1, 9.2, 9.3, 9.5, 9.6, 9.7, 9.8,  
12 9.82, and 9.83 of this bill shall not become operative.

13 (e) Section 9.5 of this bill incorporates amendments to  
14 Section 12955 of the Government Code proposed by this  
15 bill, AB 1670, and SB 1148. It shall only become operative  
16 if (1) all three bills are enacted and become effective on  
17 or before January 1, 2000, (2) each bill amends Section  
18 12955 of the Government Code, (3) SB 1098 is not enacted  
19 or as enacted does not amend that section, and (4) this bill  
20 is enacted after AB 1670 and SB 1148, in which case  
21 Sections 9, 9.1, 9.2, 9.3, 9.4, 9.6, 9.7, 9.8, 9.81, 9.82, and 9.83  
22 of this bill shall not become operative.

23 (f) Sections 9.6 and 9.82 of this bill incorporates  
24 amendments to Section 12955 of the Government Code  
25 proposed by this bill, SB 1098, and SB 1148. It shall only  
26 become operative if (1) all three bills are enacted and  
27 become effective on or before January 1, 2000, (2) each  
28 bill amends Section 12955 of the Government Code, (3)  
29 AB 1670 is not enacted or as enacted does not amend that  
30 section, and (4) this bill is enacted after SB 1098 and SB  
31 1148, in which case Sections 9, 9.1, 9.2, 9.3, 9.4, 9.5, 9.7, 9.8,  
32 9.81, and 9.83 of this bill shall not become operative.

33 (g) Sections 9.7 and 9.83 of this bill incorporate  
34 amendments to Section 12955 of the Government Code  
35 proposed by this bill, AB 1670, SB 1098, and SB 1148. It  
36 shall only become operative if (1) all four bills are enacted  
37 and become effective on or before January 1, 2000, (2)  
38 each bill amends Section 12955 of the Government Code,  
39 and (3) this bill is enacted after AB 1670, SB 1098, and SB



- 1 *1148, in which case Sections 9, 9.1, 9.2, 9.3, 9.4, 9.5, 9.6, 9.8,*
- 2 *9.81, and 9.82 of this bill shall not become operative.*

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